

The Council re-assembled at the Council Chamber, Fort St. George, at 11 a.m. on Wednesday the 15th day of March 1922, the hon. Diwan Bahadur Sir P. RAJAGOPALA ACHARIYAR AVargal, K.C.S.I., C.I.E., President, presiding.

I

QUESTIONS AND ANSWERS.

[Order made by the President of the Madras Legislative Council under Standing Order No. 15—

(1) Printed copies of the questions and answers to be put and given at a meeting of the Council shall be placed on the Council table an hour before the President takes his seat.

(2) The questions shall be put and answered in the following manner:—

The Secretary shall call the name of each interpellator in alphabetical order specify the serial numbers of his questions, and make a sufficient pause to allow him or any other member a reasonable opportunity of rising in his place if he is desirous of asking a supplementary question. Supplementary questions must be put immediately after the principal questions to which they relate.]

Railway communication between Tellicherry and Coorg, Mysore, etc.

1369 Q.—Mr. A. D. M. BAVOTTI SAHIB: Will the hon. the Home Member be pleased to state with reference to the address presented to His Excellency Lord Willingdon by the Municipal Council, Tellicherry, on the occasion of His Excellency's visit to that town, whether anything has been done to provide railway communication between Tellicherry and Coorg; Mysore and Manantoddy?

A.—The reconnaissance survey of a line of railway from Shoranur to Manantoddy with a branch to Tellicherry has been completed and the report thereon received from the Agent, South Indian Railway, but there is no near prospect of railway communications with Tellicherry reaching the stage of actual construction.

Confidential reports in the Medical department.

1370 Q.—Munshi MUHAMMAD ABDUR-RAHMAN SAHIB: Will the hon. the Minister for Local Self-Government be pleased to state—

(i) whether confidential reports about the conduct and work of the following officers are maintained in the Medical department:—

(a) I.M.S. officers, and

(b) Provincial Civil Medical officers;

(ii) whether it is a fact that the confidential reports of I.M.S. officers are shown to them and their signatures taken in the reports before they are finally filed in the Office of the Surgeon-General;

(iii) whether it is a fact that there is no provision to obtain the signatures of Provincial Civil Medical officers in their confidential reports before they are finally filed;

(iv) why this inviolous distinction is made in the case of officers of one and the same department;

(v) whether there is a rule in the Civil Medical Code that, when a Provincial Medical officer is transferred from one district to another, a confidential report should also accompany him to the new district; and

(vi) whether it is a fact that this rule is acting detrimentally to the interests of such Medical officers by not allowing them to commence their service in their new districts with a clean slate?

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- 4.—(i) The answer is in the affirmative.
- (ii) Yes, but the reports are filed in the office of the Director-General, Indian Medical Service, and not in that of the Surgeon-General.
- (iii) Yes. But Reporting officers are required to see that all unfavourable remarks are communicated to the Medical officers and that they are not kept in ignorance for any length of time, of such unfavourable remarks.
- (iv) There is no invidious distinction.
- (v) Yes. The attention of the hon. Member is invited to paragraph 251 of the Civil Medical Code.
- (vi) The rule cannot act detrimentally to the interests of any Medical officer. A good officer has nothing to fear from it, and a bad officer is given a chance of mending his ways, which he would not get, if he were not warned.

II

MOTION EXPRESSING APPRECIATION OF THE SERVICES OF MR. E. S. MONTAGU.

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“Sir, I thank you in the first place for allowing me to make this motion. The motion that I would like to place before the Council runs thus :

This Council wishes to express its warm appreciation of the invaluable services that the Rt. Hon. Mr. Montagu has rendered in furthering the cause of Indian progress and his strenuous advocacy of the interests of the Indian Muslims in the settlement of the Near Eastern problems. This council further expresses its deep concern at the termination of his office at this critical juncture in the affairs of India.

“Sir, the announcement of the resignation of the Rt. Hon. Mr. Montagu contained in the newspapers of Friday last came to us as a great surprise and also as a painful surprise to the country. Even though it was said by a conservative Prime Minister that good government is no substitute for self-government and even though it was one of the accepted principles of liberalism that all governments should be for the people and by the people, Lord Morley, who represented the high water-mark of liberalism in his day, stated in the year 1909 that he could not foresee the time when India could be self-governing. But it was left to the Rt. Hon. Mr. Montagu within a few weeks of his assumption of the office of the Secretary of State for India to make that historic announcement of the 20th August 1917 that the proximate goal of Indian Government was self-government. Well, Sir, the circumstances that were then existing helped the announcement that was made. It may be that the announcement was made owing to the exigencies of the war and also owing to the changed angle of vision due to the experience of the war but we cannot forget the personal element and the personal influence of the gentleman who made the announcement itself. He not only made the announcement, but even during the war when the hands of the Government were preoccupied with the making of arrangements for the successful prosecution of the war, he even found time to come to India to make inquiries and set us on the way to self-government. Well, Sir, both with regard to the announcement that was made and with regard to the arrangements made for starting us on the path of self-government, there is hesitancy perceivable

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and they are to a certain extent halting. We will have to take into consideration the circumstances under which he was placed. He was a member of the Government—a coalition government—and when once decisions were taken, they could be got through the Parliament easily; but in taking those decisions there was to be much give and take, more giving than taking. And the fact that in spite of these difficulties, the Rt. Hon. Mr. Montagu was able to get through this measure of reforms and that he was able to make that announcement shows the real feeling that he had and the sympathy that he possessed for India. Sir, in the governing of one nation by another, sympathy and imagination are qualities which play a great part and but for these qualities the relationship between the ruler and the ruled is not likely to be lasting. Sir, imagination is necessary to understand the difficulties, to understand the feelings and to understand the aspirations of the people who are ruled. Sympathy is necessary to help the people in realizing their aspirations. I claim for the Rt. Hon. Mr. Montagu these qualities of sympathy and imagination to a very large extent. It may be that in certain matters of detail, it will not be possible for people to see eye to eye with him, but I am sure there will be nobody in India who will deny to him these qualities of sympathy and imagination and also an amount of sincerity to give effect to the feelings that he had.

“Well, Sir, he not only set us on the path to self-government but he also took part in bigger matters. In the question of Imperial matters, he placed India on an equal basis with the other self-governing dominions. In the Imperial conferences, he gave India the status of a self-governing colony; not only that, even in deciding Imperial problems and in considering international matters, the position of India as a self-governing unit was admitted and India was given the position and rank equal to that of the other self-governing colonies. That, Sir, is an achievement for which we ought to be very grateful to the Rt. Hon. Mr. Montagu and the other gentlemen who acted with him in advancing our cause.

“Then, Sir, there are always those difficult questions, questions that always stare us in the face, namely, the position of Indians in the colonies. In Kenya, the present position of the colony is due to Indian immigrants, Indian labour and Indian capital. They first went there and developed the colony. Europeans stepped in later. There are also other colonies like some of the South African colonies where also the share of the Indian in the development of the colony is admitted. It is well known that the Indians have not been treated in the way in which they ought to have been treated and the feeling in India itself is very strong in these matters. The Secretary of State has completely adopted the views of Indians in these matters and has been urging with all the fervour and with all the strength at his command the proper treatment of Indians in the colonies and this is a matter, Sir, about which India ought to be grateful to the Rt. Hon. Mr. Montagu.

“Then there is the question that is agitating the country very much at the moment, namely, the position of the Muslim countries as a result of the treaties that are being talked of and settled. With regard to that, the point of view of the Indians has been different from that of the other countries and to some extent probably different from the other parts of the British Empire. Well, Sir, even in this matter, the Rt. Hon. Mr. Montagu has taken great interest and has been forcibly urging the view point of the Indian Muslims before the allied conference. He has been trying to have our view point accepted in the councils of the world. Well, Sir, it is a pity

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that these representations made by Mr. Montagu should have been viewed differently by the other members of the Cabinet at Home. It is not for me to say whether the constitutional point that has been raised and that has led to the resignation of the Rt. Hon. Mr. Montagu is correct or it is as was stated to be or as explained by him. Whatever it may be it is a matter of very great regret to us that as a result of this constitutional question he should have been forced to relinquish his high office at this juncture.

"Sir, the present moment is a moment of great anxiety in India as well as elsewhere so far as the matters abovesaid are concerned. In India the difficulties of the transitional system, which he has introduced as the half way for the attainment of self-government, stare us in the face. The great deficits that have been found to exist in the budget of the Imperial Government, as well as in the budgets of the several provinces, show that the people ought to be given much more control over the expenditure of the country than they are given now.

"Then again, Sir, there is this question of the political agitation in the country. I strongly advocate, and I have no doubt all reasonable people will agree, that all people ought to be prepared to support the Government in counteracting the forces that tend to disorder, anarchy and chaos. At the same time, I do not believe that repression can meet a situation like the present one. Repression can for the time being give a sort of show that things are all right, but eventually it will be found that it is only reconciliation and a proper understanding of the difficulties of the situation that can meet, and that that is the only way that would help us in the adjustment of things and in the bringing about of a permanent and everlasting peace. Well, Sir, these are difficult matters that have been agitating the country from within; but outside, our position is no better, if anything, it is worse. With reference to the colony of Kenya, that erratic statesman Mr. Churchill in his post-prandial speech announced that that colony ought to be European, that its nature as a European colony should not be disturbed and ought not to be changed, and that he was not going to change that in favour of the Indians, even though Indian money had been spent very lavishly and Indian blood had been shed profusely in bringing that country to its present position.

"Again, Sir, with regard to the Turkish question, the question of bringing about a permanent settlement is still being considered. It was only last week that Lord Curzon was to have gone to Paris, from there probably to Geneva to ultimately decide that question. In a time like this, if we had a gentleman of the well-known sympathy, the well-known knowledge and the well-known imagination of the Rt. Hon. Mr. Montagu, we can rest assured that the view point of India will be urged with all fervour and with all earnestness before the allied Powers, and that justice, at least such justice as is possible under the circumstances, will be obtained for the views that are held by the Indian Muslims and by the country generally. But, by this resignation we have lost the helping hand of the Rt. Hon. Mr. Montagu. If at any time it was required, it is certainly at this critical juncture to solve all those difficulties that remain both within and without. Not only this, Sir, some of the newspapers are now saying that the policy enunciated by the Rt. Hon. Mr. Montagu has gone with him, gone for ever, and that we will have to go back to old ways, and that the country will have to be ruled not with self-government as the goal but with something else.

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"Well, Sir, if I can say anything from this Council on this matter it is this: nobody will be doing a greater wrong not only to India but also to the whole British Empire than he who proposes that we should go back, that the policy laid down by the Rt. Hon. Mr. Montagu ought to be abandoned for the present moment, and that we should go back to old days and old ideas of governing the country. For these reasons, Sir, India now sorely feels that the resignation of the Rt. Hon. Mr. Montagu is a great misfortune. I already stated, Sir, how much we are indebted to Mr. Montagu for all that he has done and has said, and his sudden disappearance from the management of the affairs relating to India is the most unfortunate one. So, Sir, I venture to place this motion before the Council, both to express our appreciation of the invaluable services rendered by Mr. Montagu to India, and also to express our deep concern at the termination of his office at this critical juncture in the affairs of India. I hope that this Council will pass this motion with an unanimous voice."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"Sir, in associating myself with the motion I hope that this will be accepted 11-15 a.m. unanimously, and that the sense of loss sustained by India will find adequate expression in this Council. Perhaps hon. Members are aware that in most other provincial Councils resolutions expressing the regret of this country have already been adopted, and in the two chambers of the Indian legislature the matter has already received attention. Sir, this episode raises very grave constitutional issues, and until the issues are settled it is no use discussing the exact merits of this question. Sir, it has been our experience for a good many years that the Secretary of State for India in Council has two capacities. He is there both as a Minister of the Crown and also as a Secretary of State representing the interests of this country. There have been previous occasions when conflict between these duties of the Secretary of State has arisen, and on all those occasions the Minister representing the Crown has had the better of the Secretary of State representing the interests of India. Mr. Montagu's great merit is that throughout his career as Secretary of State for India he has placed the interests of India as his primary concern, and has always placed them in the forefront of his duties as Minister of the Crown. It is no surprise that the interests of India have once again come in conflict with the policy of His Majesty's Ministers. It is a matter for sincere regret that his ceaseless activities on behalf of India, his courageous purpose in the cause of constitutional reform, and his general anxiety to stand for India, should have resulted in his resignation.

"Sir, the universal regret is shared throughout India for more than one reason. The first is that Mr. Montagu is the author of the new constitutional system which was inaugurated last year. I need hardly say anything on this subject. This is not the time to examine the merits of that scheme. If Mr. Montagu had continued in office he would have been the first to rectify any obvious defects of the scheme and accelerate further the course of constitutional progress of this country. Therefore, Sir, the history of Mr. Montagu's career as Secretary of State for India is the history of constitutional reform since 1919. This history is within the memory of hon. Members, and it is absolutely unnecessary for me to refer to it. There is only one matter which I should like to place before the Council. He contributed not a little to winning general acceptance for the principle of the responsibility of the administration to the people of this country and to its

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partial concession in the case of the provinces. That is the essential feature of the scheme he has inaugurated, and we have been looking forward to the time when this step of responsibility will be accelerated and rapidly introduced in the central Government, and to the time soon after when the principle of provincial autonomy will be conceded. That was the expectation of India, of the members of the Councils and of the heads of some of the provinces. His Excellency referred to it a few days ago, and in more than one public announcement His Excellency has associated himself with our own hopes of the rapid realization of our wishes in the matter of self-government. Sir, that is the reason why there is this chorus of universal disapproval of the action of His Majesty's Ministers in regard to the resignation of Mr. Montagu.

"Mr. Montagu did his best to shift the very axis of Government to the shoulders of the people. After all this is a thing which when once the move is begun is bound to expand. His strenuous advocacy to give us a place in the comity of the nations, to put us on terms of equality with all the other dominions is a service which nobody in India could easily forget. It is quite likely that now that he is not in office an attempt may be made to go back on the admission of political equality which has been established on behalf of India. If any such attempt is made it will be disastrous to the whole of the British Empire. Perhaps I may draw the attention of hon. Members to the remarks of a contemporary writer of great insight into Indian political conditions, Sir Valentine Chirol—

'We may restore in India, and through India all over Asia, a new and reinvigorated faith in the British Empire's mission, if we do not shrink from putting into practice in our dealings with her the principle of partnership in rights and duties on which our Imperial Commonwealth of Nations has been built up. We have enshrined that principle in the new constitutional charter, we have of our own free will bestowed upon India. But if we pay only half-hearted homage to it, and our own people, whether at home, or in other parts of the Empire, or in India itself, whether statesmen or soldiers, or administrators or merchants, succumb to the temptation of trying still to combine with it in practice a disingenuous survival of the old idea of domination of one race over another, after we have so solemnly repudiated it, we shall drift the more rapidly and disastrously on to the quicksands of racial strife and chronic disorder which, though they may fail to overthrow the British rule, would steadily weaken, and perhaps paralyse, its power for good that is after all its one enduring justification. If, on the other hand, we fulfil that which we have always recognized, and to-day with renewed clearness of vision, to be our mission in India, by reconciling the elements in Indian civilization and our own, and if we can convert our commonwealth of free British nations into a free commonwealth of free Western and Eastern nations on a basis of real equality, we shall set an example of no less value to others than will be to ourselves our own achievement.'

"Sir, these sentiments are peculiarly appropriate to the present occasion. My hon. friend the Mover has already referred to the attempt that is being made to re-open this question of political and racial equality which has been established by the proceedings of the Imperial Conference. To the extent to which good faith will be kept, to that extent there will be some amount of belief in the continuity of the administration which has been set on foot by Mr. Montagu.

"There is only one other remark I should like to make, that is, in regard to the political situation, and the bearing on it of Mr. Montagu's resignation. The hon. Mover has already referred to the fears that have been expressed in regard to the impending change of policy. There is no doubt that there is considerable room for these apprehensions. I may perhaps quote what the *Daily News* has observed on the subject—

'We hear disturbing rumours from Downing street of a new policy of resolute rule in India. If this means merely an intention to suppress disorder firmly, the action must be judged solely on its merits, but if it means an open reversal of the policy of appeasement and goodwill

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pursued by Mr. Montagu and Lord Reading as consistently as they were allowed to maintain it, we may soon be faced with a crisis greater than that of 1857. The Government have already made a serious mistake by the failure to speed up reform and the abandonment of progress altogether and the substitution by ruthless campaign of military suppression will be a blunder worse than crime.'

"No greater truth has been spoken, and we trust that whatever may be the results of this resignation there will be no change in the policy pursued till now, and that these fears and apprehensions which come from certainly well informed source will prove groundless. Therefore, this Council is justified in holding out the warning that if there is such a reversal of policy it will be, in the words of the *Daily News*, 'a blunder worse than a crime'. With these words, Sir, I commend this motion for the acceptance of the House."

Mr. ABBAS ALI KHAN:—"Mr. President, Sir, it is indeed singularly unfortunate that India at the critical period of its existence should have been deprived of the services of a great man who, whatever his faults may have been, whatever his shortcomings, has striven sincerely, faithfully, constantly and whole-heartedly for the prosperity, contentment and welfare of our Bharata Mata.

11-30 a.m.

"Sir, impelled by the strange fascination of the East, Mr. Montagu embraced the cause of India with an amount of zeal, fervour and earnestness which was at once the envy and the marvel of the world. Struck with the strange and chequered but romantic history of India, he applied himself heart and soul for the uplift of the dumb, silent, starving millions of India, who in their poverty and ignorance were dragging a most miserable and precarious existence. Knowing full well that with love and care India is one of the easiest to be governed of any country in the world and that the salvation of India must come from the hands of her sons and that the rule of an alien bureaucracy, however benevolent it may be, could not have that human touch, that human sympathy for suffering which is so essential for the uplift of India, he gave us a constitution which, however defective in its design, however crude in its conception, however limited in its application, promises to open a new chapter in the history of India and one of the greatest experiments of the world. It is left to us to work them out successfully.

"The services he has rendered to India are legion. His association of Indians in ever increasing measure in the government of this country, his creation of an Indian peer, his appointment of an Indian as the Governor of Bihar and Orissa, his aim at associating Indians in the chancellories of Europe, are all acts which will be handed down to posterity by an admiring, grateful and sincere nation.

"Sir, we owe our present existence to him. Where were we two years ago? Where are we to-day? God willing, are we not nearer the goal set before us by him?

"Sir, before concluding, as a Mussalman I am particularly grateful to him for so boldly and fearlessly championing the cause of Moslem India. The treaty of Sevres, instead of giving peace to that long suffering and unfortunate nation, viz., the Turks, has heaped misery over misery on them. I must confess, Sir, the treaty of Sevres has put a severe strain upon the traditional loyalty and friendship of Mussalman India towards the British Raj. The Moslems all over the world, from Moscow to Mallapuram, from Bokhara to Boston, from Hongkong to Honolulu, are profoundly agitated over this

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unfortunate treaty. The sooner it is revised in consonance with the wishes of the Moslems, the better it will be for humanity and the world at large; for then it will bring peace, contentment, tranquillity and happiness to millions and millions of human beings.

"It is a fitting climax to a life of devotion, love and faith in India that his great but not the last sacrifice of his life, viz., his position, has been for the cause of India, to promote within peace and prosperity.

"Sir, we and our posterity will ever gratefully remember and cherish with affectionate regard and loving care the memory of the great and historic services rendered to our country by this great and noble son of Zion. May God give him long life, strength and vigour to champion the cause of weak and poor India. (Amen.)

"Sir, the clouds are gathering on the horizon, the skies are black, but I trust and sincerely hope that there will be no change of policy, no change of heart, no hysterical cries of halt, no withdrawal of the sacred pledge of August 1917, no betrayal of the trust, but that the new Government will carry on the Government even more liberally and sincerely than before. If not, Sir, India will think that England is not willing to apply within the confines of India those liberal principles to establish which outside the Empire she went to war."

The hon. Mr. P. RAMARAYANINGAR :—"Sir, I have great pleasure to associate myself with the previous speakers in acknowledging with gratitude the great services which the Rt. Hon. Mr. Montagu has rendered to India. Sir, I need hardly say that India owes a deep debt of gratitude to the retiring Secretary of State. If India is to-day on her way to responsible government, it is in no small measure due to the ability, tact and disinterested perseverance of the Rt. Hon. Mr. Montagu. He has done a great deal for India and that in right time. Sir, in his zeal to advance reforms in India he might have made mistakes, but in spite of these mistakes India can never afford to forget the very valuable services rendered to her by him. Indeed it is deplorable that he should have to resign his appointment as the Secretary of State for India at this critical time. Sir, I support the resolution."

Mr. C. P. RAMASWAMI AYYAR (*Advocate-General*) :—"Mr. President, Sir, if I rise on this occasion to associate myself whole-heartedly with the remarks that have fallen from the various hon. Members who have already spoken, it is for two reasons. In the first place, it is not often given to an Indian to claim a European, least of all a European statesman of the calibre and position of Mr. Montagu, as either a national or a personal friend. In the next place, it is not often given to us to find in the public manifestations and in the private life of a statesman in England such a continuous, such a burning, such a passionate love for another country translated into action, and such an overwhelming desire to do the best and to give of the best that is in him for the service and uplift of that country. It is for these reasons that I desire to say a few words on this occasion. Those of us who were privileged to be present in England during the passage of the Reforms Act, the Government of India Act of 1919 and during the evidence given before the Joint Select Committee, could not but have been aware that at every stage it was Mr. Montagu's one pre-occupation and his sole anxiety to see that the cause of India was fairly, strenuously and continuously put forward in the best possible fashion. The amount of help that he rendered, unseen, unsuspected, to a number of persons, so as to combat

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the many lies that were circulated regarding India and its possibilities and future, the amount of unofficial assistance that he rendered to persons who had gone there, not only at the expense of their time and, in the case of the Secretary of State, at the expense of being misunderstood by those who were by no means friendly to certain of the aspirations which were voiced by persons who went there; if those things are taken into account, it cannot be gainsaid that Mr. Montagu gave his heartfelt and sincere services for the good of the country of his adoption.

"Now, criticisms have been levelled and probably are being levelled against the Government of India Act of 1919. Of no Act probably can it be said that it is perfect. Unless complete Swaraj was handed over to us, it is very likely there would be persons who would say: 'We could have got more; we could have had it in a better fashion; the machinery might have been more perfect and the manner of working it more natural, and the evolutionary processes might have been devised so as to produce less creaking of the machinery than has been produced.' All this may be just and legitimate criticism. But consider the position in which India stood in 1919 and consider the position in which India stands just now. So far as its political evolution is concerned, is there any one who can say to-day that there is any inevitable hindrance or block, provided and always provided there is goodwill between Europe and India, in the way of India coming to its own? The answer is no. Who is the person who has removed the blocks and hindrances, who has made the new spirit possible? It is no other than Mr. Montagu, and not only in the political sphere of the Government of India but in other respects also his services have been conspicuous. I think it is due to Mr. Montagu to say that he is the first British statesman of eminence who not only enunciated but carried into practice the doctrine that India as a political entity ought to be treated as equal to every other political entity forming the confederation of nations which make up the British Empire. No doubt, at present the person who goes abroad as representing India does not go there as an elected representative of India, but he goes there as a representative Indian in a vaguer sense. What is even this achievement due to? It is due to the unwearied and tireless exertion of Mr. Montagu. It is a vindication of the self-respect of India's nationality, it is a vindication of India's place in the sun which we owe to Mr. Montagu.

"In many ways could I dilate upon this thesis, but I do not desire to take up the time of the House. I conclude by saying that whatever opinion may be held as to the constitutional aspect of Mr. Montagu's resignation, whatever opinions may be held as to the correctness or otherwise of the particular theories of Government which have been evolved and which have produced the Government of India Act, the verdict of posterity, the verdict of history will be nothing less than this that Mr. Montagu was a great friend of India, a great and trusted friend of Islam, and, indeed, one of the greatest that she has had in her long, hard, and chequered career."

The hon. Rai Bahadur K. VENKATA REDDI NAYUDU:—"Mr. President, I wish to associate myself with all the sentiments expressed in this House on the resignation of, as has been said, the greatest friend India ever had. It is not for us in this Council to question or discuss the reasons which necessitated this resignation. It is for the British Cabinet and for the British nation. We in India having received the greatest benefits which any great British Statesman could confer, it is due to him and it is due to us that we should

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pay our tribute—that tribute or homage which every human being, which every nation ought to place at the feet of those who made their way easy for the attainment of freedom and liberty. Mr. Montagu, Sir, has given to India a status in the Empire. He has given India a place in the councils of the world. And, above all, he has placed India on the road to liberty, to responsible government. That he should be taken away from his office even before we reached the first milestone on that journey—often believed to be long but hoped and expected in India to be short, a journey which we expected that the masterhand of that great statesman would assist us in shortening—is perhaps due to the misfortune of our country.

“It has been said, Sir, that after his resignation there might be some change of policy. All that we can say on this occasion is that we hope that the British statesmen will not fail to recognize that with Montagu or without Montagu any change in the policy which has been inaugurated by him would mean a serious consequence not merely to India but to the whole empire as well. (Hear, hear and applause.) Sir, there were occasions on which I had to use strong language against Mr. Montagu. The party to which I belong had at one time great complaints against him and against the proposals that were put forward from the Secretary of State's office. On many points we could not see eye to eye with him. I was perhaps one of those that was most seriously cross-examined before the joint committee of the two Houses. For about three and a half hours I was under his cross-examination, and I suppose it was Mr. Montagu who took the longest time. But, Sir, you will pardon me if I refer to a personal matter. After the cross-examination was over, he came out to the place where I was still sitting and said: ‘You have given your evidence in a characteristically courageous manner.’ Well, Sir, I do not mention this as anything complimentary to me, but I mention this to show that he cross-examined me with all the vigour at his command and with all the skill that he alone could exhibit and at the end of it he had the courtesy, gentlemanliness and the nobility to acknowledge the just cause of the teeming millions of this province which I had the honour at that time to represent.

“Sir, it is not necessary for me to go into the merits of the scheme which he has inaugurated. History will record whether that has defects or not. But history will also record that he is one of the noble band of statesmen whose politics are not confined to the little island to which they belong, but whose patriotism extends over the whole world. (Applause.) It is in that light I would submit that Mr. Montagu is to be ranked.

“He has, Sir, done things which perhaps any other statesman would have taken decades and decades to accomplish. Within the short
11-45 a.m. space of three years, he has been able to do for India so much indeed that I am not able to see any parallel in the history of the world where so much has been done for any country ruled by another nation. That, Sir, will give us some idea of Montagu's services to this country and let us hope that while his resignation is inevitable he may yet come back to us, it may be a little later, to complete that huge edifice for the foundation of which he worked so hard and take us on to that real responsible government which is at the heart of the whole of India.” (Applause.)

MR. T. ARUMAINATHA PILLAI :—“In rising to support the motion moved in this House by my Friend, Mr. Ramalinga Chettiyar, and so ably supported

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[Mr. T. Arumainatha Pillai]

by my other hon. Friends, I could only say, Sir, that the resignation of the Right Hon'ble Mr. Montagu came upon this country with a staggering effect, more staggering, Sir, because only a few weeks back it was announced by himself that there was no idea of resignation at all. So far as his services to this country are concerned, one could very well say that his resignation caused sorrow throughout the length and breadth of this land as evidenced by the various reports appearing in the newspapers as the opinions of various eminent persons of this land. Surely, by the resignation of Mr. Montagu, India lost the best supporter it had ever had ever since the history of British connexion with India began. Mr. Montagu was not the man who would be satisfied with the memorable announcement of 20th August, 1917; he is not the man who would be satisfied with going round the country and interviewing some of the people and taking evidence from them; he is not the man who would be satisfied only with the issuing of a bulky and voluminous report; but, followed by all these things, Mr. Montagu introduced the Reforms as early as possible and tried his best to satisfy the demands of all the communities in this presidency and in the other portions of India. And not merely he introduced the reforms, Sir, as early as possible, but in appointing the provincial satraps, I believe he had taken to heart that satraps ought to be appointed from persons who would see his policy carried out, and not persons who would be only figureheads and put a block in our way. And especially in this presidency we ought to be thankful to Mr. Montagu for having given us a provincial Governor who had administrative experience in India before he came to this presidency.

"Various reasons are alleged to the resignation of Mr. Montagu, but I do not think it is necessary to go in detail into those causes. There is a feeling throughout this country for the loss sustained by India owing to the resignation of Mr. Montagu and this feeling is shared by all classes of people. There is no difference of opinion as to the fact that the resignation of Mr. Montagu has been brought about in order to satisfy the die-hards, the persons who are opposed to the progress and to the welfare of the people of India. I may be right or wrong, but this opinion is prevailing. In spite of the mischievous propaganda of the non-co-operators in this country who have been agitating for the last two or three years, if the Indians have had any confidence in the Britishers, it was because that a statesman of the type of Mr. Montagu was at the helm of affairs. But Mr. Montagu has resigned and the British people and the British Parliament if they want to command the same confidence, if they want Indians say the same thing about them as is being said of Mr. Montagu, would not stint to go forward on the path which has been chalked out to them by Mr. Montagu.

"I do not believe, Sir, after the very beautiful speeches that have been delivered by my friends here, there is anything to speak further. I wholeheartedly support the motion before the House."

The hon. Rao Bahadur A. P. PATRO :—"Sir, representing my constituency and my country in general I associate myself wholeheartedly with what our leader Sir Surendra Nath Bannerjea has said that this event is a great calamity to India. At this juncture, Sir, when we were expecting eagerly and all moderate elements were working towards the reaching of the goal of full responsible government, that the forces, the reactionary forces, the enemies of progress of our country should have been successful in ousting the one true friend of India, is indeed a calamity. Sir, when we felt that the

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real remedy and the royal remedy for the great unrest in this country was to give the people full responsible government and make them realize the responsibility of Government, then he realized it and set to work towards it. He had few friends in England and few friends in India; nevertheless without fear of opposition he worked on and the whole history of the working and the consideration of the Reform scheme would disclose what a friend we had in Mr. Montagu. Now, Sir, when he was realizing with us that Egypt, Palestine and Mesopotamia, all of them got full responsible government and a national form of Government, when he was sympathising with us, just at this juncture that the great statesman should have been taken away from the helm of Indian affairs is indeed a calamity to India. I appeal to my countrymen not to despair and be afraid of the reactionary forces. We are determined to stand by our rights. If at any time the reactionary forces are to prevail let it be a warning to British statesmen that, come what may, we Indians as a whole will unitedly stand by our rights. Therefore we need not be afraid of the reactionary forces. But let us now realize that with greater determination we should work by peaceful means and with greater determination to reach the goal. I am sure there is not a single soul calling himself Indian in this country who does not feel the great and serious effect of the resignation or even the driving away of this friend of India. There is, as you know, one person who has been a staunch friend of India and has been incessantly working with the ex-Secretary of State Mr. Montagu, and who was first Governor of Bombay and now Governor of Madras. His Excellency Lord Willingdon was associating himself wholeheartedly with all the progressive policies which Mr. Montagu had been sketching out for India. My hon. Friend Mr. Ramachandra Rao has referred to the recent utterances of His Excellency the Governor. But if you know better of Lord Willingdon and a little more behind the curtain you will understand, Sir, with what determination, with what earnestness, with what sincerity and with what anxiety of the high British statesmanship he has been advocating the claims of Indians. We have not agreed with Mr. Montagu in all that he said and did. There were disagreements. With few friends in India and with the very few friends in England Mr. Montagu has fought the battle for India and now at this juncture that he should be removed is indeed a great calamity. I therefore associate myself with what Mr. Ramachandra Rao and Mr. Ramalinga Chettiyar have said on this resolution."

MR. SAIYID MUHAMMAD PADSHA SAHIB :—" Sir, I am very glad to have the privilege of associating myself with the motion just moved by my hon. Friend Mr. Ramalinga Chettiyar. Sir, the disappearance of Mr. Montagu from the India Office would always be regarded as no small loss by this country and his forced resignation, at this critical juncture, is nothing short of a calamity. There is nobody who is anybody in the political circle of India who has not been rudely shocked at the unhappy tidings of his resignation. People of all parties, of all sections and of all shades of opinion in India have with one voice said that this resignation is anything but calculated to allay the present political situation in India. Sir, the disappointment, the extreme regret which is so universally felt all over India at his resignation is a proof patent of the high esteem in which Mr. Montagu was held in India and of the implicit confidence which the Indians had reposed in him."

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“Sir, Mr. Montagu while he occupied the position of the Secretary of State for India had time and again given the assurance that, in spite of all the difficulties in India, the old policy would be pursued. Now, Sir, that he has been removed from his post at the helm of Indian affairs, people are anxious whether his absence from the India Office would mean a new orientation of policy or a change in the angle of vision. Sir, it cannot be denied that India is now passing through difficult times, and if the Indian affairs required any careful handling at any time, it is at this moment, and if the directing hand of one like Mr. Montagu was required at the head of Indian affairs at any time, it is at this critical juncture. Instead of dilating long on these things, I would at once repeat the warning sounded by the hon. Ministers who preceded me that whether with or without Mr. Montagu we expect England to do her duty by India.

“The services rendered to India by Mr. Montagu are so well known to all that it is needless for me to enumerate them here. Sir, of all the Secretaries of State he was far and away the stoutest and the staunchest champion of the Indian cause and there can be no better example of his manly sympathy for India than the noble sacrifice which he has made in doing his duty by the Indian people entrusted to his charge.

“Sir, before I sit down, as a Mussalman and as one representing the Mussalman constituency, I would fail in my duty if I fail on this occasion to express the sense of deep and eternal gratitude which the Indian Muslims feel for Mr. Montagu for his bold and unflinching advocacy of the Muslim cause. To the Muslims in India, Sir, Mr. Montagu's resignation is nothing short of a great catastrophe.

“Sir, if in spite of the disappointment the Indian Muslims felt at the Treaty of Sevres, if in spite of the unhappy state of the Turkish affairs which gives the Muslim world such an anxiety, the Muslims have still hopes of their religious question being properly and rightly solved, it is, in a large measure, due to the strong faith which the Muslims have in the sympathy and support of Mr. Montagu. Very few statesmen in England have so well understood and represented the Muslim feeling in India as Mr. Montagu. Not only did he fathom the depth of Muslim feeling in this matter, but he also realized the justice and the necessity—the indispensable necessity—of giving it its due weight and consideration. No doubt the Indian Muslims feel perfectly confident of and thankful for the unceasing efforts on the part of the Government of India to bring about a happy solution of this problem. But, Sir, nothing offered such an indisputable proof of the efforts of the Government of India in this respect than the unhappy publication of their recent recommendation on the question. It is a matter for extreme regret that this publication which breathes such a message of hope to the millions of Muslim hearts in India and which tends to soothe and satisfy the public opinion in India was regarded as one which violated the traditions of Imperial policy and broke its unity. It is a great pity, Sir, that while opinions expressed in post-prandial speeches, opinions on questions—”

The hon. the PRESIDENT :—“Order, order. I fear the hon. Member is straying from the motion before the House.”

MR. SAIYID MUHAMMAD PADSHA SAHIB :—“I humbly submit, Sir, that when opinions are expressed which are anything but calculated to soothe the

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feelings of India they can go unchallenged, while a publication of this sort which has a salutary effect has been regarded as such an unpardonable sin that it could not be wiped out by anything but the resignation of Mr. Montagu who is so indispensably necessary to India at the present moment."

Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, in supporting this motion, I wish to associate myself with all that has been said on the subject by those who have preceded me. Even as an Under Secretary of State which office he held between 1910 and 1914, Mr. Montagu was taking a great deal of interest in affairs connected with India and was evincing the greatest possible friendship for this country. When he was Under Secretary of State for India, hon. Members of this House may remember that he visited this country and had conversations on political and other matters with people belonging to different schools of thought. When he was holding no office, on an occasion when a discussion on an Indian topic arose in the House of Commons, he expressed in the strongest terms possible that a radical change in the system of administration of this country was essential. Soon after that, this House may remember, he was called to office as Secretary of State for India, and that was in July 1917. Very often, people in England who are either in the House of Commons or in the House of Lords and who express certain opinions change these opinions when they hold office, but was that the case, Sir, with the Rt. Hon. Mr. Montagu? No. Immediately after he gave expression to those views in the House of Commons when he was out of office. He was called to office. The first important act that he did after he assumed the reins of administration was to give expression to that memorable declaration of policy on the 20th August 1917, wherein he enunciated the policy of associating in an increasing degree Indians in every branch of the administration and of the gradual development of self-governing institutions with a view to the progressive realization of responsible government in India as an integral part of the British Empire. This, Sir, was the most important pronouncement made by any English Statesman after this country came under the sway of the British. After that pronouncement he came out to this country, travelled again in different parts of the Empire, elicited opinions from persons holding different shades of opinion and submitted a report to Parliament, the well-known Montford report. And it was mainly, if not solely, through his patience, perseverance, tact and love for India that he was able to pilot the Government of India Act through the House of Commons. After that Act was passed, he has continued to evince that interest in Indian affairs which he always evinced before that. To put it briefly, Sir, Mr. Montagu has been the strongest and best Secretary of State that India has ever had (Hear, hear), and the greatest calamity that can befall the country at this unfortunate time is the resignation of Mr. Montagu. It is to be earnestly hoped, Sir, that this unfortunate and deplorable resignation will not lead to any change in the policy of the administration, and I venture to state, Sir, that if there is any foreboding with reference to a change in the policy of administration, this country cannot and will not stand it. I hope, Sir, that at no distant date the hon. Members of this House will see the desirability of erecting a statue for Mr. Montagu in this House, which is the direct result of the reforms for which he stood sponsor. With these words, I support this resolution."

Dr. P. SUBBARAYAN :—"Mr. President, on behalf of the zamindars whom I have the honour to represent in this Council, I heartily associate

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myself with the sentiments that have fallen from the various hon. Members who have spoken on this resolution, and I only wish to put a few points before the Council. The one thing that Mr. Montagu has done for this country is that he has given this country an international position. It was due to Mr. Montagu's influence backed up, of course, by the Prime Minister for whom I have the greatest admiration in spite of all that is said against him for the last few days in the press both in this country and in England. For it was Mr. Lloyd George who, when receiving the freedom of the City of London, said that there were two things near to his heart and for the solution of which he would strive. Those two things are the question of Ireland and the question of India. Now, Mr. Lloyd George has solved the problem of Ireland, and I am pretty certain that Mr. Lloyd George if he retains office for any length of time will solve the problem of this country as well. With these two preliminary remarks as regards the Premier against whom we have heard so much, I go on to Mr. Montagu.

"Had it not been for Mr. Montagu's support to the Premier, I am sure the Premier would not have been able to carry forward this principle of giving India a position in the comity of nations. It was Mr. Montagu's labour which gave Lord Sinha and the Maharaja of Bikanir a status in the British War Cabinet in the year 1917. Soon after that, Mr. Montagu made a pronouncement in the House of Commons—I mean the pronouncement of the 20th August 1917*, which was carried through both the Houses of Parliament owing to the ability of Mr. Montagu in spite of all the impediments that had been placed in his way. I am sure hon. Members would agree with me when I say that those impediments were very great and the fact that Mr. Montagu has been able to carry through his scheme of reforms, however little it may be, in spite of the impediments placed in his way both in this country as well as in England, speaks a great deal not only for Mr. Montagu's interest and sympathy, but for his conviction and his courage. (Hear, hear.) It indeed requires immense courage to give responsibility to India. I am sure hon. Members of this Council will remember what Lord Morley said in the House of Lords some 12 years ago. This was what he said. He could not bring himself to look forward to the day when responsibility could be introduced into the Government in India. By responsibility he meant the executive being responsible to the people of this country through the elected representatives in the Legislative Councils. When Lord Morley himself who was reckoned in those days as a great friend of India was not able to carry out this principle, that Mr. Montagu was able to carry out this principle of responsibility in his Government of India Act speaks a great deal for his courage.

"Again, Mr. Montagu has been a true representative of the people of this country in the House of Commons. I do not think any Secretary of State would have had the courage to put before the Cabinet the feelings of the people of this country as voiced by the Government of India as he has done for the last two years. The fact that the Turkish problem looms large in the eyes of the world to-day is really due to Mr. Montagu. It was Mr. Montagu, knowing the feelings of our Muslim brethren in this country and knowing full well that the heart of India would not be satisfied unless this question is adequately solved, put their case very strongly before the

* This consummated in the Government of India Act of 1919.

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Cabinet, and it is for his action on this question that he has fallen, and I am sure posterity will say 'Here was a man who laboured heart and soul for this country but lost because there was a large vociferous opposition against him'."

MR. O. TANIKACHALA CHETTIYAR :—" Sir, Mr. President, I should like to associate myself with all that has been so eloquently and ably said by the various members of this hon. House who have previously spoken in great appreciation of the invaluable services rendered by Mr. Montagu to India. Sir, during the five years or the four and a half years during which he was in office he has accomplished what with the best attention the Secretaries of State during the previous fifty years were not able to do. Sir, himself a chela of Lord Morley, he exhibited his love for India and its advancement during the time he was Under Secretary of State under his chief. When in 1917 he became the Secretary of State, he took on hand the task of the betterment of India and took a step forwards towards the goal of self-government.

" His administration of Indian affairs, Sir, was characterised by broad sympathy and undaunted courage. He undertook the stupendous task of those reforms and for that purpose he undertook a personal investigation which he made along with Lord Chelmsford. And this he deliberately took upon himself for the highest good of the Indian people. As my hon. Friend Mr. Reddi Nayudu said, the non-Brahmans had no doubt a grievance against Mr. Montagu because he did not see eye to eye with him in the matter of communal representation and the reservation of seats, with the result that they had come up by their own effort and it can now be said that during these 15 months during which the reforms have been worked in this country the non-Brahmans have stood solidly together during these troublesome times. Sir, we doubt, we hear it stated, that the publication of the despatch by the Government of India was the immediate cause of the withdrawal of Mr. Montagu from the India Office. Sir, as signifying the temper of the British people, we find in an English paper, the *Punch*, a cartoon, which arrived here last Saturday and which left England long before this despatch of the Government of India was published, we find there a conversation between Mr. Montagu and Mr. Gandhi each one saying to the other : ' One of us must go.' And John Bull standing before them asking ' Why not both ?' It is unfortunate that such a thing should gain ground in England. We have been so impatient for the successful carrying out of the reforms. Mr. Montagu was looking after the interests of the Muhammadans and the Indians not only in India but also in Kenya and other colonies. And we hope that there will be no set back by reason of his resignation. And we hope that there will be no going back from the policy which he enunciated.

" Before I sit down, Sir, I cannot help remarking on one significant circumstance: that one section of the House is completely absent and it is regrettable that such a thing should have occurred and that there should have been room for such a remark."

MR. C. V. VENKATARAMANA AYYANGAR :—" I have also great pleasure in associating myself with the previous speakers. It may be said that we the Members of this Council whose presence is entirely due to the reforms might be in our heart of hearts grateful to the Secretary of State Mr. Montagu who has launched this scheme of reforms. But if you take the man in the

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street what will be his view so far as these reforms are concerned? He may say 'whoever may reign Rama or Ravana the immediate result of these reforms has been that we are asked to pay 3 pies by way of tax where we have been paying only one pie.' But we must explain to him the position. If a man is affected by a serious disease and the doctor is consulted, the doctor would apply a serious remedy. In a time of serious illness if the doctor is asked he would ask us to give a large quantity of poison so that his life may be saved though the mind may get wrong. No doubt with the best of intentions the services have been so enormously increased that we are asked to pay taxes thrice as much as we have been paying. Yet we must tell the taxpayers that the reforms will soon give this Council more powers and we may not then have such a costly bureaucracy and in years to come the result would be that we may rule the country and not only that, we may then tax the people to the least extent possible. Then, Sir, we cannot ignore the ordinary Englishmen in the country—of course, there are honourable exceptions who think that the people of India also are entitled to equal rights along with the other nations of the world. But the feeling of the ordinary bureaucratic Englishman seems to be——"

The hon. the PRESIDENT:—"I must ask the hon. Member to confine himself to the issue in the resolution, which is to express warm appreciation of the services of Mr. Montagu. I am very sorry to have had to interrupt the hon. Member."

MR. C. V. VENKATARAMANA AYYANGAR:—"I bow to your ruling, Sir. I was only going to say with reference to what Mr. Tanikachala Chettiyar said, that these Englishmen also should join with us in such appreciation of Mr. Montagu's services and not keep themselves off. But for Mr. Montagu probably there would have been a revolution which from our point of view would have been very dangerous. As pointed out by the Advocate-General we must look to things as they were four years ago if we should be able to realize the present improvement. We have great ambitions at present but our ambitions have become great on account of Mr. Montagu's efforts. If in the place of Mr. Montagu there was a conservative Secretary of State who would have put down practically every attempt at reform, what would have been our position. We have only to compare our state in 1905 with our position now. When Mr. Krishnaswami Ayyar made a suggestion then that after all one member of the Executive Council may be an Indian, what a great stir was made that such a disloyal sentiment should have been expressed? In 1922, Sir, only five years after the Secretary of Stateship was assumed by Mr. Montagu we have an Indian majority in our Cabinets. The whole credit is for Mr. Montagu. This may foreshadow the likelihood of our getting immense powers very soon. We must remember, Sir, that it was in his time that it was considered fit to appoint the first Indian as a member of the Privy Council. It was again, Sir, during the time of Mr. Montagu that an Indian was considered to be fit to be a member of the House of Lords and a member of the British Government. Then again, it was the first time that an Indian was appointed Governor of a Province. These may be small things; but if we go back to 1917 and 1919 in our heart of hearts we must consider it a fact that but for Mr. Montagu, we should not have been in a position of equality—though at least in paper—which has been recognized. And though not by election at least by nomination our representatives have been allowed to sit in the councils of the Empire and of the World. Every one must recognize

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that all these are pre-eminently, if not entirely due, to Mr. Montagu. Fears have been expressed in this House that with the resignation of Mr. Montagu and his disappearance from the Cabinet a change of policy would be coming up. But so far as I am concerned it is not a fear; but it is a certainty. I am sure that Mr. Montagu did not resign because of the publication of the telegram. We know, Sir, that Mr. Montagu is one of the strongest statesman with a virtue of compromise in him. In order to satisfy the Englishmen in this country he gave them increments both in the number and in emoluments with a view to increase the reforms. With a view to satisfy the die-hards he probably sanctioned the arrest of Mahatma Gandhi and thought at the same time that this publication was necessary—”

The hon. the PRESIDENT :—“The hon. Member is again out of order. I must ask him to abide by my ruling.”

MR. C. V. VENKATARAMANA AYYANGAR :—“I was going to say, Sir, that his resignation was not due to the publication of the telegram —”

The hon. the PRESIDENT :—“Then the hon. Member will be wholly out of order. The motion is only to express our sense of appreciation of the services of Mr. Montagu. If on that resolution hon. Members are going to speak on English constitutional questions, I fear they will not only be out of order but they would also commit the House to a ridiculous position. To my mind it seems that we cannot go beyond the terms of the resolution.”

MR. C. V. VENKATARAMANA AYYANGAR :—“I again bow to your ruling, Sir, but I have sinned with several previous speakers. I only wanted to say that his resignation was not due to the publication but that his attitude is such that he would stand by his convictions even though it cost him his appointment. I may also echo the feelings that have been expressed that we will very soon find him again as our Secretary of State; but I only hope that as the result of the election in England the Liberal and Labour parties will have a majority and that Mr. Montagu will become Secretary of State in that future Government and then will not be a Coalition Secretary of State but a Liberal Secretary of State not bound down in any way but free to act according to his convictions, and there is no doubt that India will become an equal partner in name as well as in fact with the great British Empire.”

MR. G. VANDANAM :—“Mr. President, the services of the Rt. Hon.

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Ed. Montagu will come under four classes; first, he created a large body of electorate, secondly, he offered a training ground for Indian talent, thirdly, he accelerated the pace of India in the march of self-government, and fourthly, he raised the status of India in the British Empire and also in the comity of nations. Mr. Montagu was once reviewing his own work and while so reviewing the one great claim that he put forward was that he created a large body of electorate. It is true there was a small body of electorate before the coming of Mr. Montagu. The political consciousness among the masses was not at all roused but after he came to the India Office he touched the hearts and imaginations of all classes and communities of people so much so that the man in the street discusses nowadays national and even international politics and while discussing them with intelligence he makes a good demand for the enjoyment of his own rights. Thus, almost every man in India now knows what his rights are and also in a way some at least of his duties towards the Government.

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"Secondly, I said he offered a training ground for Indian talent. Now we see that in the front governing benches a majority of the people that occupy high places are our own Indian people and it is a matter for us to greatly congratulate ourselves on this achievement. We really see how well people have been fulfilling the duties that have been committed to their charge and all this is due to Mr. Montagu's selfless endeavours. Further, by the way, I may say that in the Reform scheme the Andhra country has a large share. We may see also in the Provincial as well as the Imperial Government that the Andhras at least for once have been recognized as leading statesmen. Now, when I say that he has offered us a ground for training Indian talent, I say it deliberately because in the Local, Provincial and Imperial Governments our Indian people have been taking a very intelligent share. The Indian people realize that the welfare of India is no longer in the hands of the English people but if India is to be happy it is entirely in the hands of the Indian people themselves. There is that consciousness in the educated people of our country. If he has stirred up the political consciousness of the masses, he has also stirred up a sense of responsibility in the educated people a feeling that they are no longer to live for themselves but must live for the whole country.

"As I said, the third service that he did to India was to bestow on us the gift of the India Act. We know that India was started on the road to reforms by Lord Morley's reforms. But if we compare Lord Morley's reforms with Mr. Montagu's the former are like a shadow. Mr. Montagu, as has been said already, has accelerated our path towards the goal and there is nothing that impedes that path so long as we realize our responsibilities as well as our duties besides realizing our own privileges.

"I said, the fourth thing that he did to India was to raise this country in the estimate of other nations. Some of our own countrymen who had been to western countries like Lord Sinha and others say that, although they had great gifts those gifts were stirred up by coming into contact with European and American politicians. By coming into contact with European and American politicians, they have been able to show how capable Indian men would be if they were given an opportunity. Indians were looking forward for opportunities to prove their mettle and Mr. Montagu had given them that opportunity. We see how well we can compare ourselves with politicians of other countries provided we have the chance. Sir, Mr. President, I say that Mr. Montagu has done all this in spite of the great opposition he had in England from reactionaries and also from inside India from the revolutionaries."

Mr. T. SIVASANKARAM PILLAI:—"Sir, I deem it a privilege to be given an opportunity to subscribe to this resolution. The resignation of Mr. Montagu brings to mind the story of the great Ramanuja who divulged a secret at the cost of his life to benefit humanity at large. We appreciate Mr. Montagu's services by our understanding him. We know that his was the greatest chance in one's life of uplifting a whole country. His achievement is one which has fallen to the lot of no other Secretary of State for India for all these long years in the Government of the British Empire. Perhaps it is in the scheme of things that he should disappear from this arena at this moment, after setting the Indian people on the road to Swaraj or self-government. No doubt his resignation has given rise to a feeling of despondency; that despondency is perhaps of the kind which the child feels

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when the mother leaves it after setting it on its feet and lets it try to walk by herself remaining out of sight watching. The great homage and the gratitude that we can express to Mr. Montagu's services is by trying to walk steadfastly along the road which he has set us upon. That is the only substantial way of showing our gratitude to not only Mr. Montague but to what all he stands for."

Mr. C. NATESA MUDALIYAR :—"Sir, Mr. President, the people of India must be extremely thankful to Mr. Montagu for he has not only given us the reforms but has also given the people of India a status among the peoples of the world. His extended franchise is in fact the first step to the free franchise that must follow. It is on account of the extended franchise that we have got the real representatives of the people of the land in this Council and also in the various Councils of India. In the history of India, for the first time the people of the land are having a hand in the affairs of the State. When the reforms were given it was doubted whether they would be successful. This Council and the various other Councils of India have proved beyond doubt that the reforms are not only a success but that we are ready for more reform and that we are impatient of waiting for the stipulated period of ten years for the next instalment. Sir, we want any amount of reforms under the British Government, provided communal representation is observed in its minutest detail. That is the only salvation for our India of castes and creeds. Mr. Montagu, Sir, was against communal representation in the beginning. I am sure it was owing to his not having sufficient knowledge of the people of India, especially of the people of this Presidency, and also it may have been due to his having believed the statements of self-imposed leaders. Sir, before these reforms came, these leaders complained of the grievances of the public when a public did not exist. They were complaining of headache when there was no head.

"Sir, in Mr. Montagu we are losing one of the most sympathetic, perhaps the most sympathetic Secretary of State and one of the ablest of the Secretaries of State we ever had. We thought through him the Muslim questions would be settled, but we are sorry to find that that was precisely the reason why he had to go. I hope the Secretary of State that is to succeed him will take a very sympathetic view of the Muslim question and try to solve it as amicably as possible."

Diwan Bahadur L. A. GOVINDARAGHAVA AYYAR :—"Mr. President, I beg to support this resolution. Hon. Members who have preceded me have spoken of the great ability and the tact and the courage with which the Rt. Hon. Ed. Montagu has discharged the very difficult and delicate duties that were entrusted to him. Of him, Sir, perhaps the saying might be uttered with even greater truth than was uttered by another who was a Viceroy that he loved India best next to the land of his own birth and the reasons that have led to his resignation indicate how great and burning was his love for this country, his anxiety to keep the people of this country informed not merely of the attitude of the Government of India but also of his sympathy with their legitimate aspirations. Sir, in the Rt. Hon. Ed. Montagu I reckon one of the world's greatest statesmen. It was he that gave definiteness and clearness not merely to the goal that all true lovers of India must keep before them but also to the means by which that goal could be effectively reached.

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“Reference has been made to the mistakes that the Rt. Hon. Ed. Montagu was supposed to have committed. He must be more than human if in the career with which he was confronted he did not make any mistakes. But all will recognize that even the mistakes that he has committed reveal the excellence of the man, the anxieties that he has been feeling that the goal that he has set for India should not fail to be accepted in consequence of any mistakes that he might otherwise have committed.

“There is just one observation I am tempted to make in view of the absence of the Civilian element in attendance at this debate and that is this. While the Rt. Hon. Mr. Montagu recognized—and every one of us whether we are in sympathy with the Reforms or not will recognize that he was right in that—that responsible Government is inconsistent with a bureaucratic Government, he was also anxious to safeguard vested interests and if we see what great pains he has taken to secure the claims of those already in the Civil Service, to see that their prospects are in no way worsened by the fact that the Reforms are to be an accomplished fact, one can recognize the sense of justice and fair play that dominated him. He was most anxious to do all that lay in his power for the purpose of bettering the condition of the Indian people, of putting them safely and strongly on the road to self-government so that they might by taking advantage of the opportunities that were put in their power be able to realize as quickly as possible their final goal of full responsible government, and coming as his resignation has done at this juncture, it is one that ought to make every one of us regret it, every one of us who feels for the betterment of this country, who is anxious to promote it to the best of his abilities. Sir, to me it appears that whoever may be the successor of Mr. Montagu, it will be difficult for him, if not impossible, to fulfil in their manysided aspects the duties and the rôle of Mr. Montagu.

“It is claimed—and I venture to think very rightly—for the Indian people that one of their best characteristics is that of gratitude and in no case can it be said that that gratitude is better shown or better expressed than in the case of the Rt. Hon. Mr. Montagu, who I have no doubt will fill, when history comes to be written, a most honoured place in the doings of this century and whose name will be cherished by generations yet to come with great affection and with great respect and great regard for the various struggles he has been able to successfully pass through and for the single-mindedness and devotion with which he consecrated himself, as it were, to the betterment of India's condition.”

“MR. C. RAMALINGA REDDI:—Mr. President, I also associate myself with
12-45 p.m. the resolution now before the House on the occasion of the enforced resignation of Mr. Montagu. The unanimity of feeling that this Council has evinced to-day is almost unprecedented and this unanimity is not confined to this House only but is a reflex and echo of the unanimity of this empire. I have always been of opinion that we, Indians, are perhaps more responsive to kindness than any other people on earth and that from that point of view to win our gratitude might not be such a difficult thing to achieve as our dislike. It is to me a wonder seeing how grateful and responsive to kindness we are that there has been all this a dismal history of racial and political alienation between England and India for so long. It is to the great credit of Mr. Montagu that he understood us aright, that

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he read our heart aright, and created a new situation of which if full advantage is not taken by successive British statesmen, the fault could not be attributed to their ignorance but only to their deliberate disregard of the glorious possibilities revealed by Mr. Montagu.

"This is not the occasion for a detailed review of all the policies and measures with which the name of this illustrious statesman will be forever associated. Everybody would grant that there have been mistakes on his part, that he made miscalculations and that the situation in India has developed too rapidly even for his anticipations. He will be the most venturesome person indeed, be he European or Indian, who would claim to know all about the political intricacies of our country and who would claim to prescribe infallible remedies for all our ills. The utmost that I urge on his behalf, and I do not know if anything more could be urged on behalf of any man whatsoever, is that he tried to read the riddle of our country aright, read it honestly and with sincerity of purpose and that he read it better and further than any other statesman who occupied the high position that he has just now relinquished. As I said, this is not the time to enter on a detailed review of his policies and measures. But the bold outlines, the outstanding landmarks of his administration, it is not possible to avoid mentioning on this occasion. If it were, we should be reducing the resolution moved in such lucid terms by my hon. Friend, Mr. Ramalinga Chettiyar, to a mere formality which it is not the intention of any Member of this House to do. Much passion and earnestness has been shown in this House and the reason for that passion, earnestness and unanimity is not to be found in the details of the career of Mr. Montagu but in these bold outlines and landmarks that I have just now alluded to. The ideal that he set himself to achieve for India may be expressed in the statement that he wanted to elevate us out of our old position of a dependency to the status of a dominion. From dependency to dominion, that was the motto of his policy, from vassalage to co-partnership. And the measures that he adopted in pursuance of this ideal, the legitimate right of every nation, could be broadly classified under internal reforms and the adjustment of external relations. With reference to internal reconstruction there is no need for me to add to the many things that have been said about the meaning and purport of the Reforms Act which is due to him more than to any other. I do not mean to belittle the part played by the Indian people themselves in securing that right. He has introduced the principle of responsibility which is the dissolving of bureaucracy. When and how soon the bureaucracy would dissolve, would depend on how we work these Councils, how we employ the power of the purse and legislation and other political privileges that are now in our hands. There has been a greater change of an executive or administrative nature which he introduced; and that is the complete change, if not in the nature and name, at any rate in the substance of the power he wielded as Secretary of State for India. Till now the Secretaries of State for India had been more rulers of India than representatives of it. It is to the credit of Mr. Montagu that he has introduced a new precedent in that while not prejudicing his position as a ruler he has tried his best to act more as a representative than as a ruler of our country. In so doing he was bringing the Secretaryship of State of India into line with the Colonial Secretaryship. It was this parallelism in a field where he was not dependent on the parliamentary will and the force of public opinion in England, the parallelism between the Dominions

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and India, that was his mission to establish. Much has been said by my hon. friends here about the new angle of vision that had been so much talked of during the war. Except in the case of Mr. Montagu I am of opinion that there has been more angularity of vision and it is only he that has brought to the discharge of his duties that larger outlook, wider sympathy and higher idealism which came almost to the degree of creating nausea, the hollow profession and resounding phrase of war psychology. As we watch the adjustment of our external relations, his mission becomes still more explicit. In the first place he gave us not as a matter of sufferance but of right an equal place with the dominions in the inter-imperial councils. The new nationhood of the dominions composing the British Empire was not to be satisfied by mere equality among themselves but aimed at equality with the sovereign states of the world also; and that again was secured by giving India not as a matter of sufferance but as a matter of right a place in international councils like the Versailles Conference, Washington Conference and the League of Nations. To have raised our country within the short space of four years from the position of a dependency patronised at best, and despised at worst, into that of a co-partner of the British Empire sitting as an equal with the rest of the nations at inter-imperial and inter-national councils, that is an achievement for which if this country is going to be ungrateful, it would never deserve to prosper. (Cries of hear, hear.)

"I have thus classified, Sir, in bold terms the lines of advance which he chalked out for Indian statesmanship in so far as it is Indian in the main, if not in name, but in intent, purpose and substance. But I am sure we will be going to less controversial fields still if we dwell for a moment on the spirit with which he worked. That is best revealed by a glance at the formidable obstacles that he had to encounter and which he successfully overcame in connexion with the Reforms Act. I do not look upon Mr. Montagu as one who created a new cosmos out of an ancient chaos. On the contrary he is best explained in his efforts towards marking one of the great landmarks of advance by the line of policy which had started with Lord Canning and which in its wake in its time had been served nobly by Lord Ripon and others down to Lords Minto and Morley. I put this point forward not to belittle the achievements of Mr. Montagu but to give them their proper perspective and significance. If we thought that all that was done was done by Mr. Montagu alone we will be prejudicing our interests. In the first place, we should then be losing sight of the historical connexion, of the continuity of this policy; and we should be plunging ourselves for no reason whatsoever into the kind of despair which was voiced by some of my hon. Friends here. On the other hand I look upon him as an agent of the better mind of England and of the legitimate aspirations of India. It is in discharging this double trust, the trust of England in her Secretary of State and the trust of India in her Secretary of State with new emphasis on the 'her', that he has won for himself a unique position in the annals of statesmen. He belongs to the small tribe, a rare one indeed, to which belong Lord Canning, Lord Ripon, Lords Minto, Morley and Hardinge, which might be regarded as constituting the moral justification of the British Empire in India. The very act on the ostensible score of which—I do not wish to discuss lest I should be called to order—he has been forced into eclipse, which we all trust will be temporary, is symbolic of the new nationhood of India that he has himself in such a large measure

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aided to build up. Up till now on all questions of foreign policy, India had to approach by the secret door, in humble whispers to the powers that be. She had not the same freedom as the other dominions to speak in her own voice, to speak openly, to speak frankly. I hope the days of backstairs whispering are over and those of general open discussion and frank publicity have come. The publication of the dispatch by the Government of India and the Secretary of State is an action in full conformity with the new status that India has won under their auspices. It is for this reason that India has a right to claim to judge and pronounce her judgment on the resignation. It is because he represented us, it is because he bent down holding our banner aloft that we have every right to say how much we deplore the turn that events have taken. My hon. friend, Mr. Muhammad Padsha Sahib, referred to another distinguished Cabinet Minister who had perpetrated a similar indiscretion, if indiscretion it could be called, which had been perpetrated so often by Cabinet Ministers, with reference to the policy to be pursued towards the Indians in Kenya and told us that while post-prandial declarations have been allowed to be made without calling people into account, a new test and a more rigorous measure has been applied to Mr. Montagu. Perhaps, my friend does not know that at the end of a dinner people are not supposed in quite a responsible frame of mind. (Laughter.) This publication of the Indian Government's dispatch is a declaration to all the world that India will in future where her interests are vitally involved speak with the same openness as the Dominions. We are not bound by the judgment that England may pass on Mr. Montagu or anybody else. We have come to years of discretion constitutionally speaking, and we must claim the right and exercise also the right of judging public servants connected with India ourselves and from our own point of view. Whatever opinion the British public or the British Cabinet may take about Mr. Montagu, we in India have a duty not so much to Mr. Montagu as to ourselves to form our own judgment in the light of our own conscience and in accordance with our own interests and to pronounce our judgment fearlessly. Doing that we in this Council whole-heartedly join hands with all the sister councils in India, Imperial and Provincial, in claiming Mr. Montagu as the greatest maker of modern India.

“ Sir, some of my friends have used this occasion to moralise. I deprecate moralising. Some of my friends have given a warning to the Government that this resignation should not become the first incident in a series leading to a reactionary policy. I would rather not spoil, I may use the expression, the sentiment of this occasion by trying to do business also at the same time; but I would refer to two passages in Mr. Montagu's speeches and writings which are, in my opinion, the very highest tribute to the regard in which he held our country. The first is in that famous report issued in the joint names of Lord Chelmsford and Mr. Montagu in which they say that, however exceptionable some of their proposals may be in the light of cold reason, still they have been put forward ‘because of the faith that is in us.’ It is faith that leads us on and not the logic of materialism. I would refer to another statement in his famous Cambridge speech breathing the same confidence and regard. He said ‘I believe in the people of India’. It is the man who believes in the people of India that ought to be the Secretary of State. If such a Secretary of State is dismissed, we look to the Imperial Government to appoint in his

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stead a man of true faith in us, one who believes in the people of India. However that may be, if we the people of India, believe in ourselves as much as Mr. Montagu did, and will have the same courage and the same perseverance, I am sure in spite of this lamentable event, our onward march could not be thwarted or impeded by any power on earth."

The motion was put to the House and carried unanimously.

Diwan Bahadur R. VENKATARATNAM NAYUDU:—" Mr. President, I crave leave to move and to request on behalf of the House that you, as our universally respected President, will be pleased to communicate the resolution, which has been now adopted in such warm and grateful spirit by the whole House, to the esteemed gentleman whose retirement from his exalted office we all so sincerely deplore, and to his successor, the Secretary of State, to His Excellency the Viceroy and to the Government of India.

" Sir, if I may be permitted to say just one word in this connection, I shall say this. At the dinner given in his honour when he was on leave between relinquishing the Governorship of Bombay and assuming the reins of office here, His Excellency our present Governor stated as the reason for his coming to Madras, that there was a Montagu that shaped his ends. (Cheers). May I, Sir, be permitted to trace back that quotation to its origin and say, there is a divinity that assigned a Montagu to shape the 'ends' of India. Sir, I am a believer in the poet's vision that 'through the ages one increasing purpose runs', and in that purpose to me the master note is, as the same poet has said, that union when East and West will with one breath mingle their life and light into a broader and brighter day for whole humanity. Hence to me, Sir, it is a point of faith that providence has designed to employ in this glorious work of thus leading East and West to mingle their life and light, one of the remarkable race which through the vicissitudes of centuries, traces its inspiration to that holy land which is on the border line between East and West. Therefore, I hold it was in the fitness of things that Mr. Montagu should have been chosen to lay the foundation stone of the grand holy place where East and West will in due course meet to worship. (Hear, hear). With these words, Sir, I once again crave, on behalf of the House, your services in communicating this resolution to the authorities concerned."

The motion was put to the House and carried.

The hon. the PRESIDENT:—" I shall do it with pleasure."

III

DEMANDS FOR SUPPLEMENTARY GRANTS FOR 1921-22.

The hon. Sir CHARLES TODHUNTER:—" May I move, Sir, for an adjournment of the whole of these demands till the close of the budget debate in order to enable the Finance Committee to examine them beforehand?"

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—" I second it."

The motion was put and agreed to.

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IV

A BILL TO AMEND THE COURT FEES ACT, 1870.

The hon. Mr. K. SRINIVASA AYYANGAR :—“ Mr. President, I have gone through the various amendments since yesterday. I think in a few cases the language requires alteration and I have so altered it. I have got a copy of the alterations here.”

The hon. the PRESIDENT :—“ If there are a number of changes which the hon. the Law Member now proposes to bring forward, I think in fairness to the House I should circulate them first. I think the best course will be for this motion to be formally adjourned till we have done with the hon. Mr. Habib-ul-lah's Bill (the Stamp Bill) and in the meantime I will have copies of the changes typed and put into the hands of hon. Members so that they may be able to follow them easily.”

The hon. Mr. K. SRINIVASA AYYANGAR :—“ I am very thankful to you, Sir. I move that this subject may be taken up after the Bill to amend the Stamp Act is disposed of.”

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—“ I second it.”

The motion was put and agreed to.

V

A BILL TO AMEND THE INDIAN STAMP ACT, 1899.

SCHEDULE I-A, ARTICLE 20.

Amendment 18.

Rao Bahadur A. S. Krishna Rao Pantulu did not move the following amendment and it was therefore deemed to have been withdrawn :—

18. *Under the head ‘ Proper stamp duty ’ substitute the words ‘ ten annas ’ and ‘ one rupee four annas ’ for the words ‘ twelve annas ’ and ‘ one rupee eight annas ’ respectively.*

SCHEDULE I-A, ARTICLE 25.

Amendment 19.

Mr. A. RANGANATHA MUDALIYAR :—“ Sir, I beg leave to move the amendment standing against my name. It reads as follows :—

19. (i) *In column 2 against clause (a) for the words ‘ seven hundred and fifty rupees ’ substitute the words ‘ five hundred rupees ’.*

(ii) *In the same column against clause (b) for the words ‘ three hundred and seventy-five rupees ’ substitute ‘ two hundred and fifty rupees ’.*

“ In commending it for the acceptance of the House I wish to emphasise the fact that most of those who take to education and even to higher education are people drawn from the middle classes. They find education rather a costly affair. The two years' course in the Law College with the heavy fees and the subsequent year's course as an apprentice are all very costly. As a matter of fact, out of the hundreds of graduates turned out of the Law College, comparatively a small number only undergo the apprentice course, and I think the effect of this enhancement would result in still further reducing the number of students who will take to this apprentice course. I

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Schedule I—A, Article 25—*cont.*

do not think the Government could contemplate such an event with equanimity.

“If the number of students undergoing the apprentice course gets reduced, it would mean a reduction in the income the Government expect by way of fees for enrolment as High Court vakils. They will be driving a large number of people to go to the mufassal which perhaps may to some extent result in less efficiency of the mufassal bar. Looking at it from any point of view I think, Sir, this enhancement of fees seems to be most undesirable. It cannot be said that law alone should be penalised in preference to other professional courses. For example, those who take to medicine are not charged with such heavy fees. Further the amount was formerly only Rs. 250 or so and it was raised to Rs. 500 only recently in or about 1899. It cannot therefore be said that this fee has been unchanged for the last thirty years as was stated in connexion with another matter. All my remarks apply to the case of advocates also.”

Mr. C. NATESA MUDALIYAR:—“I gave notice of a similar motion and I take this opportunity of seconding this. Sir, generally it is the young man of the middle class that has an aptitude to scrape together all the means at his disposal and pass the examinations. After passing the apprentice examination he has to pay a premium to the practitioner under whom he serves as an apprentice. After passing the apprentice examination he has to pay a stamp fee of Rs. 500 to be enrolled as a High Court vakil. Here comes the difficulty. The parents of these young men even while educating them find the task a difficult one and it is possible for them to help the boys only bit by bit by paying the college fees in instalments and such other ways. But when they have to pay a lump sum they are at their wit's end. To increase the present rate by Rs. 250 is a huge addition for a middle class man. Rupees 250 by itself might be a small amount; but Rs. 250 plus Rs. 500 is a sum which it is difficult for a middle class man to pay all at once. While the other professions have free entrance, why should the legal profession alone be penalised? I can very well understand if it is said that litigation should be made more costly but not the legal profession. Sir, I request the Council to save these young men from being asphyxiated even before they start life.”

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—“Sir, I believe it is not unknown to several hon. Members of this House that I have myself the honour to belong to the legal profession in which I spent a good part of my life; and as such they will believe me when I say that I have my entire sympathy for the profession. The question now is not whether the House is asked to issue an order against its own sympathy for a particular class or profession but whether it would be justified in making anything like a differentiation between one class of taxpayers and another. Yesterday, Sir, we were discussing the broad principles that have been kept in view in the framing of the schedule which is now being considered. It was then explained and I assume the House also fell in with that view on the matter of policy. We do not wish to tinker with individual items in the existing schedule 1 of the Stamp Act but we have adopted the principle of raising certain items by certain percentages. It was also explained, Sir, that the

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lowest percentage which we had adopted in the framing of Schedule 1-A is 50. The House I think accepted that principle and turned down the motion that had been brought forward by my friend Mr. A. S. Krishna Rao which aimed at the reduction of that percentage from 50 to 25. Now in this particular case also, Sir, the ratio of increase is only 50 and as such it cannot at all be said that we have dealt with this class of very useful members of society indeed in any way harsher than the poor tax-payer of the land. For it should be remembered that in the case of the instruments which are executed even for small sums of money from 1 to 50, from 50 to 100 and from 100 to 200 we have adopted a scale of increase at 50 per cent. Now, Sir, it is, therefore, rather hard to agree to any proposal whereby any general tax-payer will have a right to say that a particular class of individuals has been treated differently from himself. I quite appreciate the enormous expense which a young man who joins the Law College has got to undergo during the period of his tuition there. I also recognize the expense which he has to incur while serving as an apprentice under a lawyer. All this may be regarded as something like sowing before one reaps. It may be regarded as capital for the trade or calling which one has chosen for himself. These young men appeared in a deputation before the Select Committee when they sat for the purpose of considering this Bill and laid almost identical representations before the Select Committee who gave this matter their most careful consideration. From the report of the Select Committee it will appear to the House that the Select Committee was not very much convinced of the necessity for making anything like a change in the entry that already found a place in schedule 1-A. I merely invite the attention of the House once more to what the Select Committee have said: 'A deputation of the apprentices-at-law waited on us and represented that even the existing duty of rupees five hundred for enrolment as a vakil of the High Court was being felt as a heavy burden and that any increase would be an unbearable hardship. We have given our best attention to their representations, and we consider that no sufficient case has been made out to reduce the duty which the Bill imposes for entry as an advocate or vakil on the roll of the High Court.' But, Sir, the Select Committee considered that an entry which had been made against the attorneys-at-law which aimed at the exact doubling up of the existing rate was not justifiable and the Committee in the exercise of their discretion reduced that amount from 500 to 375. There is one point, Sir, which strikes me as worthy of consideration. When the deputation waited on the Select Committee the fact was pressed that these young men who have already enrolled themselves as apprentices-at-law and who probably expected to get through their apprentice course by the end of this year had already done so under the expectation that no higher fee than Rs. 500 would be necessary for them to be enrolled as vakils of the High Court. It was also contended that inasmuch as this new condition was sprung upon them as a surprise it was at least equitable, if it was not possible to reduce the fees absolutely, it was at least equitable that in their case an exemption may be granted. We have some such motion in the name of the hon. Member Mr. Natesa Mudaliyar and I think I will be prepared to consider that suggestion as favourably as the House will permit me to do. Barring that, Sir, I think I cannot make myself a party to anything like a distinction in taxation between individuals and individuals."

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Mr. P. SIVA RAO :—"Sir, I have given notice of a similar motion which is tabled as No. 23. I wish to say a few words in support of this amendment. As has been well pointed out, Sir, the profession of law is one of the costliest professions that we come across. It has to be remembered that it is only graduates in arts that are eligible for a law course and it has also to be noted that before becoming a High Court vakil one has to undergo an apprenticeship for about a year. That means again cost, residence in the metropolis, attending High Court and so forth. In addition to all that he will have to pay an appreciable fee to the vakil or advocate with whom he is attached. With all that he has to undergo an examination for which also he has to pay a fee; it has to be remembered, Sir, that these apprentices almost always come from the middle classes and the raising of the fee for enrolment from Rs. 500 to 750 would mean a serious and crushing burden upon this class of people just at the threshold of their career. The hon. the Revenue Member started by saying that he is himself a lawyer and he is all sympathetic towards them. But he never had occasion to be enrolled and never felt the pinch of it. He enunciated while opposing this amendment the principle that he would be favouring one person at the expense of another if he favoured this amendment. In other words, he said that if he supported this amendment he would be guilty of preferential treatment to the class of legal practitioners. Well, Sir, by this increment from Rs. 500 to Rs. 750 the Government seem to look down upon the members of the legal profession. They want to make the profession much more costly than what it now is. I wish the House to consider whether the increment will bring about any serious increase in revenue and I do not think we will have that result. The number of annual enrolment comes to about 20 or 30."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"The hon. Member is misinformed about the statistics. The number is between 100 and 125."

Mr. P. SIVA RAO :—"Very well, Sir, even though I take the figures of the hon. the Revenue Member, the revenue that they can get by means of this increment is not appreciable. They can very well afford to forego this item of increase and make the legal profession less costly than what it would otherwise be. In any event, there is no good of saying that so far as this particular year is concerned, some concession will be shown and the present set of apprentices will not be asked to pay the higher rate. As a matter of principle, as the legal profession is very costly, I seriously object to the raising of fees prescribed for entry of an advocate or vakil or attorney."

Mr. C. V. VENKATARAMANA AYYANGAR :—"I also support the motion now before the House, Sir. At the same time I remember the advice given by the hon. the Finance Member that consistently with what I said at the time of the budget discussion, I must support taxation on lawyers. I must first of all say that I have been misunderstood. Not only has the hon. the Finance Member misunderstood me, but a respectable lady has also misunderstood me and wrote to me a strongly worded letter saying that I was wrong in recommending taxation on prostitutes. All I meant to say was that Kautilya said that one of the sources of revenue was by imposition of

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taxes upon lawyers and prostitutes. I am against all additional taxation until all possible retrenchments are made.

“Coming to the present subject, I am afraid that there is a misapprehension that this is a tax upon lawyers. It is not at all a taxation upon lawyers. It is a taxation upon apprentices. Though there are various apprentices in various other branches of profession in no other profession is an apprentice taxed. Even here after the apprentice gets into the profession there is time enough to tax him; and the lawyers are already taxed by way of income tax, profession-tax, etc., etc. Therefore to tax a man when he is learning a profession and before he enters the profession and begins to make any income whatever, is rather a step-motherly feeling and I believe that even the original levying of a tax on apprentices was probably done in good old days, when barristers looked on vakils with an eye of jealousy. Probably in those days taxation was found necessary to limit the number of lawyers. In any case the tax that is already levied is sufficiently high and even accepting the view of the hon. the Revenue Member, the additional revenue that can be derived from this source will only be Rs. 20,000 or so. In the interests of education, and in the interest of the profession, I do not think it is desirable to levy additional fee on the apprentices-at-law. I therefore once more appeal to the hon. the Revenue Member that considering the way in which we have supported the financial Bills in this House, he will be pleased to show some concession in this respect and accept this amendment.”

Mr. P. T. RAJAN :—“I beg leave to move my amendment, Sir.”

The hon. the PRESIDENT :—“I would point out to the hon. Member that the Council has before it the amendment to reduce the fee from Rs. 750 to Rs. 500. The hon. Member's amendment to increase it to Rs. 1,500 cannot be taken up now.”

Mr. P. T. RAJAN :—“Ever since the new Reforms, all the taxes have fallen very heavily on the poorer classes and it is high time that the Government make the richer class pay. If we want money, if the Government wants to increase the revenue, they must make those people who are either rich, or who anticipate to become rich in the course of a few years, to contribute to the revenue. Further, my idea in opposing this amendment is this: I want, if possible, to reduce unnecessary litigation. If we are going to have a cheap bar, it will merely induce people even on the slightest provocation to go to a lawyer and engage him. If it is made impossible for the clients to have cheap lawyers, it will induce them to have the cases settled out of courts. For these reasons, I beg to oppose this amendment.”

Rao Bahadur T. A. RAMALINGA CHETTIYAR :—“There are several amendments of the same nature as the one we are considering of which notices are given. Some want to reduce the fee to Rs. 500, some to Rs. 600 and others to have the old rate for a short time and then have the rate proposed in the Bill. I do not know whether the Government will oppose all of them. With reference to those who are already apprentices and those who will undergo their apprentice course this year, I think it is only just to allow them the concession of the present rates. They have entered the course under the belief that they would have to pay the old fee. With regard to

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the others, Rs. 750 is very high. But there is this financial deficit also facing the province. So if, with regard to those who are already undergoing the apprenticeship course, Government are prepared to allow the old rate, we may easily come to an understanding on this amendment."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :— "I think I had probably not very definitely stated—I wish now to state it again—that I was prepared to accept amendment Nos. 26 and 28, that in the case of those whose apprenticeship will expire by 31st December 1922, the new rate need not be made applicable. Exception will be made in their case."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I think I must say a word with reference to the opposition of my friend Mr. Rajan. Of course it is a kind of retaliatory measure to amendment accepted by this House yesterday with reference to the barristers. He felt keenly that the fee for appearance of barristers is unjustifiable and therefore he wants to increase the fee for entrance as a vakil or advocate."

The hon. the PRESIDENT :—"The hon. Member Mr. Rajan has not yet moved his amendment. At present the motion before the House is to substitute the words 'Five hundred rupees' for the words 'Seven hundred and fifty rupees'."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"Very well, Sir, My friend Mr. Rajan has been driven to this course which he thought to be justifiable as tending to reduce cheap litigation. It is rather remarkable coming from a barrister. But certainly it should not be done by penalising entrance into the profession. Is there any other profession which contributes at the entrance so much as the lawyers are now doing? Is there any entrance fee in the engineering profession of Rs. 500? Do the medical men pay any stamp duty for practising their profession? I should like to know if there is any other profession which pays as much as the lawyer does for the purpose of entering into the profession. This is purely on the English analogy. A good deal has been said yesterday about the scheme of taxation in England and no hon. Member has referred to this question and I wanted to find out what the corresponding contribution is at the entrance of barristers in England upon the exercise of the legal profession. I have received two different opinions—one that there is no such contribution, and the other that the contribution does not come to more than £30 at the outset."

Mr. P. VENKATASUBBA RAO :—"They have to pay £100 in all."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I wish to ask my hon. friend whether he means that £100 has to be paid to the Inns or to the State by way of stamp duty."

Mr. P. VENKATASUBBA RAO :—"By way of stamp duty, Sir."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I was told by a friend of mine, Sir, that it is not more than £30."

Mr. ABBAS ALI KHAN :—"Probably he refers to me. If it is so, I was wrong."

[15th March 1922]

Schedule I-A, Article 25—*cont.*

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"There is another hon. gentleman who said that it was £30. I do not know whether he will also say that he was wrong. The fact that he does not rise is a presumption that he sticks to his statement. Therefore unless the hon. the Law Member or the hon. the Revenue Member or the hon. the Finance Member gives us the exact figure, I will assume that it is only £30 there which is equal to Rs. 450."

Dr. P. SUBBARAYAN:—"I think the hon. gentleman has misunderstood what I said. I think all of them are wrong. A barrister has to pay £30 to his Inn and another £30 when he enters the bar, in all £60, which will go to the State and not to the benchers as my hon. friend wants to put it."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"From what the hon. Member has said it is clear that the total contribution is £60. There is also a similar fee here paid by the apprentice to the vakil under whom he undergoes the course. But that is an entirely different matter."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"That is not correct, Sir. I understand the hon. Member who is himself a barrister to say that the £60 go to the State."

Dr. P. SUBBARAYAN:—"Yes, Sir. When we enter the Inns of Court we pay £30 and again when we enter into the bar we pay another £30."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU:—"I am afraid my friend Dr. Subbarayan has misunderstood the whole matter. Sir, my contention is this: what is it that is paid at the call to the bar? And my hon. friend Mr. Subbarayan says it is £30. We have absolutely nothing to do with the £30 that is paid at the time when they enter the Inns of Court. All that I submit is that we must clearly know what it is that is paid at the final call to the bar and my hon. friend says it is £30, and here it is already Rs. 500. I therefore submit that the entrance to the profession itself need not be penalised. It seems to me, Sir, that seeing that there is no such fee in any other profession, there should be no such increase or, at any rate, not as much as is now proposed."

1-45 p.m.

Diwan Bahadur R. Venkataratnam Nayudu moved the closure which was carried.

Amendment 19 to article 25 was then put to vote and lost.

On the motion of Mr. A. Ranganatha Mudaliyar, a poll was taken with the following result:—

Ayes.

- | | |
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| 1. Rao Bahadur K. Gopalakrishnayya. | 10. Mr. P. Siva Rao. |
| 2. Mr. C. Natesa Mudaliyar. | 11. Mr. C. V. Venkataramana Ayyangar. |
| 3. Rao Bahadur A. Ramayya Punja. | 12. Mr. S. Muttumaniacka Achari. |
| 4. Mr. W. P. A. Saondara Pandia Nadar. | 13. Rao Bahadur C. V. S. Narasimha Raju. |
| 5. Mr. T. Somasundara Mudaliyar. | 14. Mr. A. Ranganatha Mudaliyar. |
| 6. Mr. N. A. V. Somasundaram Pillai. | 15. Mr. M. K. Seturatnam Ayyar. |
| 7. Mr. S. Somasundaram Pillai. | 16. Mr. T. Sivasankaram Pillai. |
| 8. Mr. A. Subbarayudu. | 17. Mr. M. Suryanarayana Pantulu. |
| 9. Diwan Bahadur M. Ramachandra Rao Pantulu. | 18. Mr. T. Arumainatha Pillai. |
| | 19. Rai Sahib E. C. M. Mascarenhas. |

[5th March 1922]

Schedule I-A, Article 25—cont.

Noes.

- | | |
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| 1. The hon. Sir Lionel Davidson. | 20. Mr. S. T. Shanmukham Pillai. |
| 2. " Sir Charles Todhunter. | 21. Rao Bahadur T. A. Ramalinga Chettiyar. |
| 3. " Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur. | 22. Mr. C. Ramalinga Reddi. |
| 4. " Mr. K. Srinivasa Ayyangar. | 23. Mr. O. Tanikachala Chettiyar. |
| 5. " Mr. P. Ramarayaningar. | 24. Mr. A. T. Muttukumaraswami Chettiyar. |
| 6. " Rai Bahadur K. Venkata Reddi Nayudu. | 25. Mr. V. Pakkiriswami Pillai. |
| 7. " Rao Bahadur A. P. Patro. | 26. Mr. P. T. Rajan. |
| 8. Mr. C. P. Ramaswami Ayyar. | 27. Dr. P. Subbarayan. |
| 9. Mr. T. E. Moir. | 28. Mr. T. C. Tangavelu Pillai. |
| 10. Mr. N. E. Marjoribanks. | 29. Mr. P. Venkatasubba Rao. |
| 11. Mr. F. J. Richards. | 30. Diwan Bahadur R. Venkataratnam Nayudu. |
| 12. Mr. C. W. E. Cotton. | 31. Mr. Abbas Ali Khan Bahadur. |
| 13. Mr. R. Littlehales. | 32. Mr. Ahmad Miran Sahib Bahadur. |
| 14. Mr. E. Periyannayagam. | 33. Khan Sahib Muhammad Abdur Rahim Khan Sahib. |
| 15. Mr. R. K. Shanmukham Chettiyar. | 34. Mr. L. C. Guruswami. |
| 16. Mr. A. Ramaswami Mudeliyar. | 35. Mr. R. T. Kesavalu Pillai. |
| 17. Mr. K. Adinarayana Reddi. | 36. Mr. P. Venkatarangayya |
| 18. Mr. R. Appaswami Nayudu. | 37. Rao Bahadur T. Namburumal Chettiyar. |
| 19. Rao Bahadur V. Appaswami Vandayar. | |

The amendment was lost, 19 having voted for and 37 against.

Amendment 20.

Amendment 19 to article 25 having been lost, the following amendment standing in the name of Mr. C. Natesa Mudaliyar fell through in consequence :—

20. (i) *In column 2 against clause (a) for the words 'Seven hundred and fifty rupees' substitute the words 'Five hundred rupees.'*

(ii) *In the same column against clause (b) for the words 'Three hundred and seventy-five rupees' substitute the words 'Two hundred and fifty rupees.'*

Amendment 21.

The following amendment standing in the name of Mr. B. Muniswami Nayudu was owing to the absence of the hon. Member not moved and was therefore deemed to have been withdrawn :—

21. (i) *In column 2 omit 'Seven hundred and fifty rupees' and substitute 'Six hundred rupees.'*

(ii) *In the same column omit 'Three hundred and seventy-five rupees' and substitute 'Three hundred rupees.'*

Amendment 22.

Mr. N. A. V. SOMASUNDARAM PILLAI :—"I beg to move the following amendment standing in my name :—

22. (i) *In column 2 against item (a) omit the words 'Seven hundred and fifty' and insert instead 'Six hundred.'*

(ii) *In the same column against item (b) omit the words 'Three hundred and seventy-five' and insert instead 'Three hundred.'*

"Sir, we know full well that the hon. the Revenue Member may not be inclined to say that there is no increase at all with reference to the stamp duty payable by the vakils and attorneys. It is therefore necessary that we

[Mr. N. A. V. Somasundaram Pillai] [15th March 1922]

Schedule I-A, Article 25—*cont.*

should give a figure raising the stamp duty by some per cent; instead of leaving it at 'five hundred' and 'two hundred and fifty', I think it would be reasonable to make 'five hundred' into 'six hundred' and make 'two hundred and fifty' into 'three hundred.'

"The hon. the Revenue Member himself admitted that though he would be inclined to feel sympathetically towards those young men who are just entering their lives and who are called upon to pay a heavy stamp duty, yet he feared he would lay himself open to the blame that he has been partial to one class of tax-payers against others. But the proposal that I make will altogether absolve him from any such blame. The only question to be considered is whether it is necessary that in the case of High Court vakils and attorneys there should be a raising of stamp duty to the extent of 50 per cent. The hon. the Revenue Member stated that, with regard to the other taxes, the House has more or less agreed to raise the duty by 50 per cent; but this thing has to be considered in reference to that matter, namely, that with regard to those other duties the amount was a very small one and the duty had to be paid by persons who did not enter into any professions at the time but by persons who were already engaged in the service. Part of their duty is to enter into transactions. But so far as the present stamp duty is concerned, it concerns persons who are just entering life and who are just entering their professions. As has been pointed out by some of the previous speakers, there is no profession wherein a person is called upon to pay any such stamp duty on entering the same. It is only in regard to vakils that this is levied. I may bring to the notice of this House that as a matter of fact most of the persons who study for law and who enter the profession of the bar are very poor and not persons who are rolling in wealth. They are persons who have to find money for enabling them to study for the law course. Persons find great difficulty in getting money to pay the masters under whom they have to get themselves apprenticed. At the very outset they are also obliged to borrow money for the purpose of enabling them to enter the profession. If it is not out of place, I may state my own case and the same is the case with many of my friends. At first we were obliged to become teachers for the purpose of raising some money to enable us to study for the law course and then after saving a few rupees we had to enrol ourselves as High Court vakils. As in my own case, I may say that it is the experience of a number of persons who have risen high in life that it was only with very great difficulty they could find money to study for law. We also know that several people borrow money for studying for the law course; it is a very costly course. Therefore I request hon. Members of this House to take that into consideration. Do hon. Members really want that these young men who have got the genius in them, who have got bright prospects before them, should be altogether shut out from the profession to which they are best fitted simply because it is contemplated to raise the stamp duty? Do hon. Members want to put a bar upon them by reason of the stamp duty? So far as the vakils are concerned, there is no analogy at all between the stamp duty payable by them and that payable by other class of persons. With regard to other class of persons they pay stamp duty for the document they execute. As regards vakils, attorneys, etc., they are persons from whom the Government expect to get a very large amount in the

15th March 1922] [Mr. N. A. V. Somasundaram Pillai]

Schedule I-A, Article 25—*cont.*

shape of income-tax when they begin to earn, but this is not the case with other persons to whom the stamp duties are fixed. In the case of vakils there is a prospective chance for the Government to get money in the shape of income-tax and other things.

"I also wish to bring to the notice of the House another fact, namely, that most of the public men have been drawn from the ranks of the bar and it is the bar that has been even ready to place the services of its members in the cause of the country, in the cause of the poor and the distressed people and in the cause of anything that tends to the moral and mental advancement of the people. Therefore it is that the young men who are prepared to enter that profession must be enabled to do so without any obstacles being put in their way. I was therefore somewhat surprised to hear my hon. Friend Mr. P. T. Rajan asking for the enhancement of the duty with a view to putting an end to unnecessary litigation in the country. Of course, High Court vakils and attorneys are not the only lawyers. There are the first-grade and the second-grade pleaders. It is only if a person wants to become a High Court vakil or an attorney that he has to pay the enhanced stamp duty. There are vakils practising in the mufassal in all the courts and it is not necessary in their case. So far as the mufassal is concerned, unnecessary litigation will go on as usual in spite of the imposition of this stamp duty. If it is intended to stop unnecessary litigation in the mufassal, the Legal Practitioners Act ought to be amended. So far as the mufassal is concerned, the raising of the fees for High Court vakils and attorneys will have very little effect.

"Again, the hon. the Revenue Member stated that the number of High Court vakils enrolled year after year is about 100 and odd. How many of these are practising in the High Court? How many of these are going away to the mufassal? I may point out to the hon. the Revenue Member that most of the persons who go away to the mufassal for practising would not care to become High Court vakils hereafter if the stamp duty is raised. As a matter of fact, the privileges appertaining to the High Court vakils and the first-grade pleaders are more or less the same. So far as everyday practice is concerned, there is not much difference. Only about 10 per cent of those who are enrolled as High Court vakils will be practising in the High Court. The percentage of people who go away to the twenty and odd districts in the Presidency for practising would enormously increase."

The hon. the PRESIDENT:—"I fear the hon. Member is straying far from the specific issue before the House, which is to *omit* the words 'Seven hundred and fifty' and *insert* instead 'Six hundred'."

Mr. N. A. V. SOMASUNDARAM PILLAI:—"All that I want to point out is that in case the stamp duty is raised, there may not be many who enrol themselves as High Court vakils but only a few people who want to practise in the High Court. I, however, bow to your ruling, Sir. I therefore submit, Sir, that, taking into consideration the difficulties that lie in the way of these young men in getting themselves trained and qualified as B.L.'s or M.L.'s, the stamp duty need not be raised to such a large extent as proposed in the Bill. With these few words, I commend my amendment for the acceptance of the House."

[15th March 1922]

Schedule I-A, Article 25—cont.

Rao Bahadur K. GOPALAKRISHNAYYA :—“ Sir, I rise to second this amendment. This case is quite different from other cases. No doubt it may be very good on the part of the hon. the Revenue Member to expect some revenue from this source. But as has been pointed out by the hon. Member who moved this amendment the proposal to raise the stamp duties in this respect would scare away practitioners from enrolling themselves in the High Court. It is patent that when a young man enters the profession of the Bar he is not in a position to get his money; for he has no money of his own, as he has to depend on the protector or some member of the family for the money, who may be unwilling to advance this money to this budding practitioner who intends to enrol himself as a High Court vakil. Therefore there will be a great alarm in his mind that he will not be in a position to do so. In consequence, he may go to the mufassal to practise in the district courts. There is a provision in Hyderabad that nobody should enrol himself as a vakil unless there is a vacancy. Fortunately, we have here the privilege of being enrolled without any limit as to the number. Apart from that privilege there must also be some reasonable latitude in taxing these young men who enter this profession after great trouble. The High Court vakils hitherto pay Rs. 500 before they enter the profession: I think it may be proper to tax them after they enter the profession annually for renewing their sanads as in the case of mufassal pleaders, if the hon. the Revenue Member agrees to reduce the existing rate to a considerable degree.

“ The people actually practising will be able to pay as they earn money. I am simply bringing to the notice of the hon. the Revenue Member that 20 per cent which is now proposed in this amendment is quite reasonable and sufficient in the case of practitioners who are just to be enrolled as High Court vakils. Therefore, I second the amendment.”

The Council adjourned for lunch at 2-5 p.m. and re-assembled at 3 p.m.

Mr. O. TANIKACHALA CHETTIYAR :—“ Sir, after listening to the eloquent and cogent arguments advanced by Mr. N. A. V. Somasundaram Pillai, I feel that I must support the amendment (Mr. C. V. Venkataramana Ayyangar—‘ Hear, hear ’) to reduce the figure to Rs. 600. His statement of the history of many a law student who ultimately became a lawyer reminds each of us of our own past history. I for one am not ashamed to say that I was in such circumstances that I was obliged to work for my living, and with the wages I got I studied law. The condition of several students who take up law is not dissimilar to mine. The hon. the Revenue Member said by way of objection to the last amendment, which was thrown out for reducing the amount from Rs. 750 to Rs. 500, that the House had decided to increase all taxes by 50 per cent. I quite agree that in transactions conducted by men *inter se* they must subject themselves to the exigency of State demands. So far as these young men who are apprentices at law and who wish to be enrolled as High Court vakils or advocates are concerned, their position is that they are not managers of their own affairs but they depend for their maintenance and support upon their parents or other relations or on kind friends. So there is a distinction between the student who has just completed his course and is still dependent for encouragement on his relatives and others who enter into transactions such as conveyances of

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[Mr. O. Tanikaohala Ohettiayar]

Schedule I-A, Article 25—*cont.*

property, etc. Having regard to these conditions and the people who are to be subjected to this enhanced duty at the time of their enrolment, I shall strongly appeal to the members of this House to make a distinction between apprentices who are seeking to enter a profession and who are not masters of their estates and other ordinary citizens who carry on transactions in the ordinary course of life and therefore under the law are liable to pay stamp duties. Even the apprentices are made by this amendment to pay an increased stamp duty of 20 per cent. I think the distinction ought to be maintained, and I request the House to give support to this amendment."

Diwan Bahadur M. KRISHNAN NAYAR:—"Sir, I rise to support this amendment. When the previous amendment was moved, my friend the hon. the Revenue Member said in the course of the discussion that he was prepared to retain the present fee of Rs. 500 in the case of those who had already, in ignorance of the contemplated increase, become apprentices and would be able to enrol themselves before the end of this year. That concession by my hon. Friend was certainly a large-hearted one, and a well-deserved one. But it is only a temporary relief and helps only those who are now apprentices——"

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I did not give that undertaking unconditionally. (Laughter.) I said I was prepared to accept that provided all the other amendments for reduction went by the board."

Diwan Bahadur M. KRISHNAN NAYAR:—"If that was the meaning of my hon. friend he ought not to have given that undertaking in that way. That concession was certainly very much desired by those who are already apprentices, and who, in ignorance of this contemplated increase, have commenced their apprenticeship course. I submit that it is only a temporary relief, and it will not be of any benefit to the new apprentices, as the provision contemplated under this is a permanent increase. My hon. Friend the Revenue Member will surely support me when I say that the House as a whole has been very considerate to him and to the Government in their natural and reasonable attempt to increase taxation for the benefit of the administration. At the same time there are certain limits beyond which we should not go. The speech made by the hon. Mover was a very forcible and touching one and elicited my sympathy in his favour. I had not made up my mind before I heard him. I think, Sir, we ought not to increase the duty to such a large figure as Rs. 750 and Rs. 350 in the case of vakils and attorneys respectively. The Council ought to be content with raising Rs. 500 to Rs. 600, and Rs. 250 to Rs. 300. Certainly the Government requires the assistance of the Council; we are willing, the Council ought to be willing, to assist the Government; but in assisting the Government we should see that we do not unnecessarily increase the burden which is on the shoulders of the apprentices and which they would not be able to bear. I hope my hon. Friend the Revenue Member will accept this compromise."

Mr. S. T. SHANMUKHAM PILLAI:—"Mr. President, Sir, I come forward to support the motion after hearing the most pathetic speech of my friend Mr. N. A. V. Somasundaram Pillai. Some of the young men likely to be affected must be poor. They get themselves educated by selling what

[Mr. S. T. Shanmukham Pillai]

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Schedule I-A, Article 25—*cont.*

little they have, by mortgaging their property or otherwise. Their prosperity will be seriously affected by this measure. The fee of Rs. 750 is too high indeed. Therefore I support the amendment."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—
 "The last speaker, Sir, has practically invoked the sympathy of the House on account of what he called the pathetic appeal made by the mover of this amendment. As I said already, I would beg of the House to remember that if I oppose any reduction in the scale of fees that has already been fixed in the schedule it is not at all for any lack of sympathy for these young men or for the future entrants into the legal profession. I can assure them that I have as much sympathy for them, if not more, as anybody else here. But I want to contest it merely on the ground firstly of justice, and secondly of equity, words which the members of the legal profession constantly emphasise. I said, Sir, that where it is justifiable to tax other individuals on this basis, the members of this profession also should be taxed on the same percentage principles. I say it is not equitable to make any differentiation in taxation between individuals and individuals simply because in this case a few young men are affected and who are more articulate in demanding this concession than the other ignorant people in the villages who probably are even unaware that the Stamp Act is being revised. Therefore, I said, Sir, viewed from any standpoint, it would not be desirable to be carried away merely by sentiment, or by appeals to mercy. I will merely make one or two observations in regard to some of the remarks I have heard. It was mentioned to us that if Rs. 750 was decided upon as against Rs. 500 the future entrants to the legal profession would say farewell and seek 'fresh fields and pastures new.' I am afraid, Sir, that this is putting, as it were, too little value upon the honour of being a High Court vakil and paying very poor compliment to that noble profession. As it is, the mover and the seconder and the other gentlemen who have spoken on this resolution will be satisfied if I agree to the revision of the fee from Rs. 750 to Rs. 600. The bone of contention appears to be a paltry sum of Rs. 150. This paltry sum has not got to be paid monthly or even annually. Once paid, it is paid for ever. So therefore the whole dignity, the entire attraction and all the prospects which a young man has in view in joining the legal profession as a High Court vakil will disappear the moment we demand this additional sum of Rs. 150. That is an argument which I find it difficult to swallow. One hon. Member has practically said that this will scare away practitioners. I for one cannot fall in with that line of argument. It has been sufficiently known that it is not after all the young man who is going to bear this burden; it is some other individual who is going to face the additional burden. It has been made clear that these young men earn nothing by themselves. They have no property of their own from which to meet this demand. Their parents or guardians or somebody else will meet it on their behalf. There is no additional liability against the young men themselves. The parent who has been paying Rs. 500 and who will have to pay Rs. 600 under this amendment can easily bear an additional responsibility of Rs. 150 more.

"When I said I was going to accept item 28 I thought I made it sufficiently clear that while I saw no reason as to why the future entrants into the legal profession should be exempted

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Schedule I A, Article 25—*cont.*

at all from this higher liability because they would be entering it with their eyes open and with a previous knowledge of their obligation, but that in the case of the present young men whose apprenticeship course was to expire on the 31st December 1922, there was, as I said, a semblance of reason at least why they should not be saddled with this additional responsibility. For, I take it, these young men might probably have made arrangements for the purpose of securing the Rs. 500 whereby to enrol themselves in the High Court, and in their case I have not the least objection to allow the exemption; for when I drew attention to that particular amendment which is on the agenda paper, it ought to have been sufficiently plain that it was proposed to be added as a proviso to the existing clause. The proposed amendment is 'In column 2 put a colon after Rs. 750 appearing against clause (a) and add the following proviso:—Provided that in the case of entry as an advocate or vakil by any apprentice-at-law whose period of apprenticeship expires by the 31st of December 1922 the stamp duty will be only five hundred rupees.' When I drew specific attention to the particular item which I said I was prepared to accept, there was no reason why I should have been misunderstood as saying that I was willing to permit this extension to be applicable not only to the present young men, but also to the future entrants. I quite realize the significance of the observation made by my hon. Friend in front of me who has reminded me and all the Members of Government that the House has been very conciliatory in the matter of the two taxation Bills which we had the honour of steering through this Council. I fully confess they have been very conciliatory and, may I add, I was fully confident that they would be so, and I am not at all surprised that they showed that attitude towards us, for I know that they realize their joint responsibility for the conduct of Government; they knew that we wanted more money; they knew that they have to supply us with the necessary wherewithal to conduct the administration and therefore they were very good indeed in having enabled us to secure more money. We are indeed beholden to them for that sympathy and that co-operation. But it does not mean that they demand something like a *quid pro quo* for the attitude which they have displayed until now by asking us to surrender this item of revenue. By itself it is not a small item; it would mean an appreciable reduction in the calculations that we have already made. Therefore, Sir, I hope I will not be regarded as trying to conduct an auction of the fee if I would suggest for the consideration of the House the amendment which stands in the name of Mr. Krishna Rao who, I think, has introduced a reasonable proportion in the ratio of increase by the suggestion which he has made, as his amendment would enable a definite increase of 25 per cent in the existing rate."

MR. O. TANIKACHALA CHETTIYAR :—" May I point out that while I appreciate the hon. the Revenue Member's willingness to agree to Mr. Krishna Rao's amendment to substitute 625 rupees for 750 rupees, Mr. Somasundaram Pillai's resolution comprises both classes of lawyers, namely, vakils as well as attorneys. In the case of the vakils the increase of fee has been reduced from 50 to 25 per cent, that is, from 750 rupees to 625 rupees, but in the case of the attorneys, there is no such amendment tabled by Mr. Krishna Rao. Therefore if in the amendment of Mr. Krishna

[Mr. O. Tanikachala Chettiyar]

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Rao a like provision is introduced in favour of the attorneys also, I shall be glad to accept it."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—
 "Sir, I hear a whisper, why so much trouble for 25 rupees. Sir, I hope it is realized that our financial position is reduced to that condition that even 25 rupees is not negligible. For, by means of the 25 rupees which I wish to secure from one individual and the extra 2,500 rupees which I hope to secure in all, I will be in a position to meet a part at least of the additional expenditure involved by the revision of the pay of the village officers' establishment. If it is the intention that there should be some reduction, of course I shall certainly give that right to the House to vote as it likes. If there is a desire that there should be some decrease, I would suggest to the House for consideration the amendment of Mr. Krishna Rao which appears something like a reasonable proportion in the increase; particularly having heard the very reasonable suggestion of my friend Mr. Tanikachala Chettiyar urging similar treatment to the attorneys-at-law. This amendment of Mr. Somasundaram Pillai may, I think, be cleared out of the way before we proceed to the other."

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"Before the hon. Mr. Somasundaram Pillai makes up his mind as regards the course to be adopted, I think it my duty to make it clear that though I have given notice of the motion to reduce the amount to Rs. 625 I am in hearty sympathy with the motion of Mr. Somasundaram Pillai. I do not think that we should at this stage bargain for the sake of 25 rupees. It is true when I suggested the figure Rs. 625 I had in mind a reduction of 25 per cent only. There has been any amount of discussion regarding the proper fee to be levied and there is also a motion for reducing the increase in the case of the attorneys. But it will lead to complications unless we amend that motion as the motion now before the House is regarding both these classes. After all, when the amount of difference is only Rs. 25 I think that in view of the discussion we have had, the hon. the Revenue Member will be pleased to close up the discussion by accepting the motion."

The hon. the PRESIDENT :—"I will now put this motion to the House, namely—

(i) *In column 2, against item (a), omit the words 'Seven hundred and fifty' and insert instead 'Six hundred'.*

(ii) *In the same column, against item (b), omit the words 'Three hundred and seventy-five' and insert instead 'Three hundred'."*

The motion was declared carried.

On the motion of the hon. the Revenue Member, a poll was taken with the following result :—

Ayes.

- | | |
|---|---|
| 1. Mr. R. Appaswami Nayudu. | 10. Mr. W. P. A. Saundara Pandia Nadar. |
| 2. Rao Bahadur V. Appaswami Vandayar. | 11. Mr. N. A. V. Somasundaram Pillai. |
| 3. Rao Bahadur K. Gopalakrishnayya. | 12. Mr. S. Somasundaram Pillai. |
| 4. Mr. S. T. Shanmukham Pillai. | 13. Diwan Bahadur M. Ramachandra Rao Pantulu. |
| 5. Rao Bahadur T. A. Ramalinga Chettiyar. | 14. Diwan Bahadur M. Krishnan Nayar. |
| 6. Mr. O. Tanikachala Chettiyar. | 15. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 7. Mr. W. Vijayaraghava Mudaliyar. | 16. Mr. P. Siva Rao. |
| 8. Mr. C. Natesa Mudaliyar. | |
| 9. Rao Bahadur A. Ramayya Punja. | |

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Schedule I.-A, Article 25—*cont.**Ayes—cont.*

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|--|--------------------------------------|
| 17. Mr. C. V. Venkatramana Ayyangar. | 23. Mr. M. R. Seturatnam Ayyar. |
| 18. Mr. S. Muttumanicka Achari. | 24. Mr. T. Sivasankaram Pillai. |
| 19. Rao Bahadur C. V. S. Narasimha Raju. | 25. Mr. M. Suryanarayana Pantulu. |
| 20. Mr. C. B. Rama Rao. | 26. Mr. T. Arumainatha Pillai. |
| 21. Rao Sahib U. Rama Rao. | 27. Rai Sahib E. M. Mascarenhas. |
| 22. Mr. A. Ranganatha Mudaliyar. | 28. Saiyid Diwan Abdul-Razzaq Sahib. |

Noes.

- | | |
|---|--|
| 1. The hon. Sir Lionel Davidson. | 16. Mr. K. A. Kandaswami Kandar. |
| 2. The hon. Sir Charles Todhunter. | 17. Mr. J. Kappuswami. |
| 3. The hon. Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur. | 18. Mr. A. T. Muttukumaraswami Chettiyar. |
| 4. The hon. Mr. K. Srinivasa Ayyangar. | 19. Mr. M. Narayanadaswami Reddi. |
| 5. The hon. Mr. P. Ramarayaningar. | 20. Mr. V. Pakkiriswami Pillai. |
| 6. The hon. Rai Bahadur K. Venkata Reddi Nayudu. | 21. Mr. P. T. Rajan. |
| 7. The hon. Rao Bahadur A. P. Patro. | 22. Dr. P. Subbarayan. |
| 8. Mr. C. P. Ramaswami Ayyar. | 23. Mr. T. C. Tangavelu Pillai. |
| 9. Mr. T. E. Moir, C.I.E. | 24. Mr. P. Venkatasubba Rao. |
| 10. Mr. N. E. Marjoribanks, C.S.I., C.I.E. | 25. Diwan Bahadur R. Venkataratnam Nayudu. |
| 11. Mr. R. Littlehales. | 26. Mr. Abbas Ali Khan Bahadur. |
| 12. Mr. E. Periyannayagam. | 27. Mr. M. C. Raja. |
| 13. Mr. A. Ramaswami Mudaliyar. | 28. Mr. L. C. Guruswami. |
| 14. Mr. K. Adinarayana Reddi. | 29. Mr. R. T. Kesavulu Pillai. |
| 15. Rao Sahib S. Ellappa Chettiyar. | 30. Rao Sahib P. Venkatarangayya. |
| | 31. Mr. A. M. MacDougall. |

The motion was lost, 28 having voted *for* and 31 *against*.

Amendments 23 and 24.

The following amendments fell through as raising substantially the same question as amendment 22 which was discussed and lost:—

Mr. P. SIVA RAO:—

23. *For items (a) and (b) substitute ‘(a) in the case of an advocate or vakil—five hundred rupees’ and ‘(b) in the case of an attorney—two hundred and fifty rupees’ respectively and retain the provisions of the old Bill in relation thereto.*

Mr. T. ARUMAINATHA PILLAI:—

24. *In column 2 omit ‘seven hundred and fifty’ and substitute ‘five hundred’.*

Amendment 25.

3-30 p.m. Rao Bahadur A. S. KRISHNA RAO PANTULU:—“The amendment that stands in my name runs as follows:—

“25. *Under the head ‘Proper stamp duty’ substitute the words ‘six hundred and twenty-five’ for the words ‘seven hundred and fifty.’*

“Sir, in view of the discussion that we have had already on the motion of Mr. N. A. V. Somasundaram Pillai, I think it is hardly necessary for me to say anything in support of this motion. That motion has been lost by a very narrow majority and the decision was largely influenced by a statement made by the hon. the Revenue Member that the existing stamp duty would be raised only by 25 per cent. That, I believe, seems to be somewhat reasonable under these circumstances. I therefore request hon. Members not to raise further controversy over this question but to accept this motion without further discussion.”

[15th March 1922]

Schedule I-A, Article 25—*cont.*

Mr. SAIYID MUHAMMAD PADSHA SAHIB :—"I second it."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"As I stated then, Sir, I accept this."

Diwan Bahadur M. KRISHNAN NAYAR :—"In furtherance of what the hon. the Revenue Member himself said on the former amendment before it was put to vote, I beg to state that Mr. Krishna Rao's amendment is only for the reduction of the stamp duty of Rs. 750 required in the case of vakils to Rs. 625. There is no reference made in the amendment to the stamp duty required in the case of attorneys and I understood that the hon. the Revenue Member was prepared to accept 25 per cent increase on the present rate of Rs. 250 in the case of attorneys as well. So that, if you, Sir, and the House will give me permission to meet the wishes of the hon. Member, I will move an amendment to this effect."

The hon. the PRESIDENT :—"Does any hon. Member object to this amendment going forward along with the amendment moved by Mr. Krishna Rao?"

No hon. Member having raised any objection, the amendment was allowed to be moved by Mr. Krishnan Nayar.

Diwan Bahadur M. KRISHNAN NAYAR :—"I beg to move the following amendment to the amendment of Mr. Krishna Rao which is 'to add the words and further substitute Rs. 312-8-0 for the words "three hundred and seventy-five rupees"'"

The amendment was carried.

The amended amendment was then put and carried.

Amendments 26 and 27.

The following motion which stood in the name of Mr. Arpudaswami Udayar was not moved, the member being absent, and was therefore deemed to have been withdrawn :—

26. In column 2 put a colon after 'seven hundred and fifty rupees' appearing against clause (a) and add the following proviso :—

"Provided that in the case of entry as an advocate or vakil by any apprentice-at-law whose period of apprenticeship expires by the 31st December 1922, the stamp duty will be only five hundred rupees."

27. In column 2 put a colon after 'Three hundred and seventy-five rupees' appearing against clause (b) and add the following proviso :—

"Provided that in the case of entry as an attorney by any apprentice-at-law whose period of apprenticeship expires by the 31st December 1922, the stamp duty will be only two hundred and fifty rupees."

Amendment 28.

The following motion was not made :—

Mr. C. NATESA MUDALIYAR :—

'28. In column 2 put a colon after 'Seven hundred and fifty rupees' appearing against clause (a) and add the following proviso :—

"Provided that in the case of entry as an advocate or vakil by any apprentice-at-law whose period of apprenticeship expires by the 31st of December 1922 the stamp duty will be only five hundred rupees"'

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SCHEDULE I-A, ARTICLE 39.

Amendment 29.

Mr. N. A. V. SOMASUNDARAM PILLAI :—"The motion that stands in my name runs as follows :—

29. *In column 2 against item A (b) omit the word 'twenty' and insert instead 'ten'.*

"I beg to state article 39 relates to partnership-deeds. The article now drafted in the amendment Bill runs thus :—

"39. Partnership—

A—Instrument of—

	RS.
(a) where the capital of the partnership does not exceed Rs. 500	5
(b) in any other case	20

"In the existing Stamp Act, article 46, it is fixed that the duty on deeds, where the capital of the partnership does not exceed Rs. 500, is Rs. 2-8-0, and in any other case Rs. 10. Now, they want this Rs. 10 should be increased to Rs. 20 and Rs. 2-8-0 to Rs. 5-0-0. I submit that there is no reason whatsoever for raising the duties cent per cent.

"The development of the country, which will be in the shape of industries and where persons have to enter into partnership with a view to carry on trade or do some useful business, will be much retarded, if the stamp duty is raised as is proposed in the amended Bill. It would be very difficult to have terms of agreements settled between parties, which, in consequence, will lead to enhancement of litigation. It is necessary that persons entering into partnership should reduce their terms to writing.

"With regard to cases wherein the capital exceeds Rs. 500—ordinarily in all cases of partnership the capital invested would be above Rs. 500; generally, it will be Rs. 1,000 or Rs. 2,000—it cannot therefore be said that, the stamp duty should be Rs. 20. It would be a very great hardship upon persons who enter into partnership where the capital exceeds Rs. 500. What I propose is that, instead of Rs. 20, it should be Rs. 10. Otherwise people would be tempted not to reduce their terms of agreement into writing and they will have a different transaction, and, that is, they will simply try to have their terms in memory. This sort of arrangement would create unnecessary confusion among the parties and give room for litigation also. With a view to encourage the system of entering into partnership, it is very necessary that the duties paid on such instruments ought to be a reasonable amount. I, therefore, propose that, instead of Rs. 20, the duty may be Rs. 10."

Rao Bahadur O. V. S. NARASIMHA RAJU :—"I second it."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"Sir, one peculiar feature which has somewhat amazed me since last evening in the course of the discussion of the Stamp Act Amendment Bill has been the great and ceaseless solicitude that is shown by the House to the poor rich. My hon. friend who has moved this resolution seems to be considerably carried away by that sentiment and that sentiment alone. For

[Mr. Muhammad Habib-ul-lah Sahib] [15th March 1922]

Schedule I-A, Article 39—*cont.*

we found him standing up in his place yesterday and pleading on behalf of the poor rich whose transactions are never less than Rs. 85,000 and to-day again he does not at all care to interfere with transactions of smaller nature which are specifically referred to in clause (2). But he wishes the House to agree to a reduction of 50 per cent in the case of item (b) which, from the very context, it is absolutely clear, comprises transactions in which palpably not the poor man but a man higher than the poor will have to pay. I therefore can hardly see the reasonableness of this demand. If he was pleading on behalf of the poor man I could probably have understood him. But, Sir, to be constantly pleading on behalf of a rich man, is a principle which, unfortunately I cannot at all agree to. Probably my friend wants to go back to the old rates of 1889. Here I may add that neither in Bombay nor in Bengal where also they have revised their Stamp Acts has there been a provision for less than Rs. 20 for similar transactions. I would only urge that as an additional reason why the House should not be carried away by any sentiment in favour of the rich. At the same time I would appeal to hon. Members not to make a departure from legitimate course. Let us try to get the proportionate share of taxation from individuals who indulge in transactions of a value higher than what a poor man is able to do by reason of his own circumstances. I therefore see no reason whatsoever to accept the suggestion that we should go back to the old rates and that there should be no increase at all."

Diwan Bahadur M. KRISHNAN NAYAR:—"I think, Sir, that in this particular instance no great hardship is caused. No doubt as my friend Mr. Somasundaram Pillai has stated, the increase is 100 per cent. Though the percentage of increase is 100 the amount after all is not very high. The addition is only Rs. 10 and in the case of dissolution of partnership, where the amount is more than Rs. 500, I do not think that there is any appreciable hardship in increasing the stamp duty from Rs. 10 to Rs. 20. At the same time the amount of Government revenue may be enhanced to an appreciable extent. So that, I think there is no great hardship caused in allowing Rs. 20 to stand."

The motion was, by leave, withdrawn.

Amendment 30.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—"I beg to move—

30. *Under the head 'proper stamp duty' against item A (b) substitute 'Fifteen rupees' for 'twenty rupees.'*

"It will be noticed that in asking for Rs. 15 I am consenting to an increase of 50 per cent. I ask the House to consider whether it is reasonable to increase the existing rate in the case of instruments of partnership exceeding Rs. 500 to the extent of Rs. 50. It may be asked, Sir, that whereas it was a double increase in the case of instruments of partnership where the capital does not exceed Rs. 500 why it should be an increase of 50 per cent only in other cases. I would only request the House to consider as to where they should draw the line if the capital should exceed Rs. 500. In the existing Act the fee fixed is Rs. 5 when the capital of the partnership does not exceed Rs. 500 and Rs. 10 in any other case. Is it to be stated that if the capital of the partnership exceeds Rs. 500, say Rs. 501 or Rs. 502, the stamp duty should be four times the duty fixed for capitals below Rs. 500?"

15th March 1922] [Mr. A. S. Krishna Rao Pantulu]

Schedule I-A, Article 39—*cont.*

Already there is an anomaly in the existing system and that should not be allowed to continue any longer. So long as we are satisfied that it is an anomaly let us not have an unduly large enhancement. Let us be satisfied with a duty of Rs. 15 instead of Rs. 10."

Mr. P. SIVA RAO:—"Sir, I have given notice of a similar amendment which is printed as amendment No. 31 on the agenda. In giving notice of this amendment, I have so far—"

The hon. the PRESIDENT:—"Order, order. Is the hon. Member speaking on his own amendment or on the amendment moved by Mr. Krishna Rao Pantulu?"

Mr. P. SIVA RAO:—"Sir, I am seconding the amendment of Mr. Krishna Rao Pantulu which is comprised in my amendment."

The hon. the PRESIDENT:—"There is no such thing as one amendment being comprised in another. Every amendment that comes on for discussion is dealt with on its own merits. Any reference to or remarks in connexion with any other amendment which may come later on will have to be ruled out. At present the House is considering the amendment No. 30 which is to the following effect: "Under the head "proper stamp duty" against item A (b) substitute "fifteen rupees" for "twenty rupees." I would beg of the hon. Member to confine himself to that particular issue."

Mr. P. SIVA RAO:—"Sir, I beg to second the amendment which has been moved by Mr. Krishna Rao. He proposes to reduce the amount of twenty rupees provided under article 39 of the schedule of the Bill as amended by the Select Committee, which provides that where the capital of the partnership does not exceed Rs. 500, the stamp duty should be five rupees and that in any other case it should be twenty rupees. What the hon. Mover proposes is to reduce the stamp duty in the latter case to Rs. 15. In other words, his amendment comes to this. He is trying to increase the present rate by 50 per cent. When the hon. Member in charge moved for consideration of this Bill and also in his later speeches he was kind enough to say that he was proposing an all-round increase of 50 per cent—"

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"I am sorry, Sir, that the hon. Member is misquoting me. What I said was that in a large number of cases there was an increase of 50 per cent all round, that there were a few cases in which the increase was 66 $\frac{2}{3}$ per cent and that there were again a few cases in which there was an increase of cent per cent."

Mr. P. SIVA RAO:—"I will use the words of the hon. Member in charge, Sir. In a very large number of cases there has been a 50 per cent increase. And I would ask with some show of reason why the same increase of 50 per cent which has been adopted in a large number of cases, should not be followed in this case also. Why should this particular case be treated as an exception? The hon. Member may explain why this particular tax-payer should receive prejudicial treatment at the hands of the Government."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—"Sir, I do not wish to repeat the arguments which I have already advanced while opposing the other motion which the House has rejected. I think the hon. Secunder, indulging in legal phraseology, has thrown the onus

[Mr. Muhammad Habib-ul-lah Sahib] [15th March 1922]

Schedule I-A, Article 39—*cont.*

of proving the necessity for doubling the scale in the case of the partnerships comprised under clause (b) of article 39 on Government. I must certainly confess, Sir, that I allowed my feelings of sympathy to outweigh considerations of finance when I was dealing with the reclassification which was proposed in regard to this item. Had I yielded to that temptation, I would have produced a gradation scale under clause (b) whereby the amount of the stamp duty would have varied according to the amount of the partnership involved. But inasmuch as the present Act made no such distinction, and (as I already explained to the House) I did not at all intend to deviate from the principle already incorporated in schedule I of the Stamp Act, I merely followed that schedule and made the necessary changes here and there according to the exigencies of the circumstances. Now in the case of this clause, it will be apparent to every individual that so long as there is no sliding maximum limit fixed for stamp duty, the present fixed maximum will apply to all items of the value of lakhs and lakhs of rupees; and the value of such stamp duty being limited to Rs. 20 can certainly not be regarded as being in any way extravagant. I was not at all keeping in my mind cases where partnerships may be executed for an amount of Rs. 501. I had to keep in mind partnerships of far larger sums, and I believe hon. Members of this House will realize that so far as the City of Madras and a few other cities in this province are concerned partnerships are generally entered into in respect of very large amounts. Is it contended and can it be reasonably contended that in those cases also the stamp duty should be not more than Rs. 10? As I said, if my own inclinations had been permitted a play, I would have produced a gradation scale, but I did not wish to disturb the framework of the schedule attached to the existing Stamp Act. I had simply to retain the present schedule in the existing form, and the stamp duty of Rs. 20 which I have fixed is, I think, the minimum that can be fixed for transactions of that description.

“I may again repeat, Sir, that other provinces have not at all regarded this sum of Rs. 20 as extravagant.”

Rao Bahadur A. S. KRISHNA RAO PANTULU:—“I believe, Sir, that the remarks of the hon. Member for Revenue are calculated to show that he did not want to prejudice those who had large interests at stake and who wished to draw up instruments of partnership for several thousands of rupees by introducing the gradation scale. I think it would have been certainly more logical and reasonable if there has been a gradation scale so as to correspond to the value of property involved in these instruments of partnership. If he had in view the cases of persons who draw up instruments of partnership for amounts between Rs. 500 and 600, it would appear to every one that the stamp duty in the former case should not be higher than that fixed for deeds of conveyance. In the case of deeds of conveyance, when the value exceeds Rs. 500 but does not exceed Rs. 600 it is fixed at Rs. 9; where it exceeds Rs. 600 but does not exceed Rs. 700, it is fixed at Rs. 10-8-0, and so on. It is therefore clear that to the extent to which we can think of instruments of partnership between Rs. 500 and Rs. 1,000, the amount of stamp duty prescribed is far in excess of the amount fixed for conveyances of the same value. Is it a state of things which can be accepted even in the interests of the poorer classes of persons for whom my hon. friend, the Member for Revenue, has shown considerable sympathy?”

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Schedule I-A, Article 39—*cont.*

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—“ I am sorry, Sir, that my hon. Friend has lost sight of the main argument which I advanced, namely, that I did not wish to disturb the framework of the schedule attached to the existing Stamp Act. He is quoting conveyances as a sample, where you have a gradation scale. In the existing schedule itself there are gradations and I had merely to follow it.”

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ The hon. Member for Revenue has not offered any explanation in reply to my argument. I am quite aware that in these cases he has not introduced a gradation scale. But the point which I wish to urge is this. Without fixing any gradation scale for persons who draw up deeds of partnership for values exceeding Rs. 500, the present Bill says that they are bound to pay Rs. 20 in each case, while even for conveyances they are called upon to pay much less than that amount, for values below Rs. 1,000. That is the position to which we have been reduced by adopting a scale whereby we have an all-round enhancement of stamp duty without in any way having a gradation scale which should have been adopted in the case of persons who draw up instruments of partnership for Rs. 1,000 and less. There is no strength in the argument advanced by the hon. the Revenue Member. It is certainly not unreasonable if the hon. the Revenue Member has come to his conclusion from any figures at his disposal showing that in a large number of cases the value involved in deeds of partnership is over Rs. 1,000. If the hon. the Revenue Member has any information at his disposal tending to show that in a large number of cases instruments of partnership are for large amounts and that Rs. 20 would be a reasonable stamp duty and if he furnishes us with that information, I have not the slightest objection to withdraw my motion. But if he cannot convince us that in a large number of cases large amounts are involved, I feel, Sir, that there is a strong case for reducing the amount of duty. If on the other hand he can furnish us with information showing that generally large values are involved in instruments of partnership, we will be in a better position to appreciate his arguments.”

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur. —“ I must confess, Sir, that I have not at the present moment fortified myself by the necessary statistics showing the distinction between partnerships of the value of Rs. 500 or more. But I would merely appeal to the personal experience of the hon. Member himself who in his capacity as a successful lawyer should have come in contact with a number of partnership deeds which are executed only where the property involved is of appreciable value, while in other cases, to avoid the stamp duty there is something like a settlement of account executed in an account book with a one anna stamp affixed thereto. These are within the personal experience of many people, which I may mention to the House.”

The amendment was then put to the House and lost.

Amendments 31 and 32.

The following amendments which stood in the name of Mr. P. Siva Rao were not moved and were therefore deemed to have been withdrawn :—

31. In the column headed ‘ Proper stamp duty ’ substitute ‘ three rupees twelve annas ’, ‘ fifteen rupees ’ and ‘ seven rupees eight annas ’ for ‘ five rupees ’, ‘ Twenty rupees ’ and ‘ ten rupees ’ respectively.

[15th March 1922]

Schedule I-A, Article 39—*cont.*

32. *Reduce the rates provided in the second column by 25 per cent throughout and make corresponding alterations accordingly.*

CLAUSE 13.

Clause 13 as amended was then put to the House, passed and added to the Bill.

THE PREAMBLE.

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—
“Sir, I beg to move that for the first draft in the Bill, the following words be substituted:

‘Whereas it is expedient to amend the Indian Stamp Act, 1899, in its application to the Presidency of Madras.’

“As I said, Sir, this amendment is merely intended for the purpose of elegance of expression.”

The hon. Sir Charles Todhunter seconded the motion.

The amendment to the preamble was put and carried.

The preamble as amended was then put to the House, carried and added to the Bill.

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur:—
“I now beg to move that the Bill as amended by the House be passed into law.”

The hon. Sir Charles Todhunter seconded the motion.

The motion was adopted and the Bill to amend the Indian Stamp Act, 1899, was passed into law.

IV—*cont.*A BILL TO AMEND THE COURT FEES ACT, 1870—*cont.*

The consideration of the above Bill was resumed.

The hon. Mr. K. SRINIVASA AYYANGAR:—“I move in clause 6, for the words ‘at the end of the first paragraph of sub-section 7

4 p.m. (iv) substitute the words ‘after the words “memorandum of appeal” in section 7, paragraph IV’. And for the words ‘according to the next succeeding clause’ substitute the words ‘in the manner provided for by the next succeeding paragraph.’

“Looking at the wording and arrangement of section 7 (iv) there was some difficulty and to make the wording clear this is introduced.”

Mr. C. P. RAMASWAMI AYYAR:—“I second it.”

The hon. the PRESIDENT:—“The references are presumably to the Bill as amended on the 13th and 14th instants.”

The motion was put to the House and carried.

The hon. Mr. K. SRINIVASA AYYANGAR:—“I now move that in clause 7, for the words ‘the following clause shall be added as 4-A’ substitute the words ‘between paragraphs IV and V the following paragraph shall be added as IV-A’. I merely want to make it clear as to where it should appear.”

Mr. C. P. RAMASWAMI AYYAR:—“I second it.”

The motion was put to the House and carried.

The hon. Mr. K. SRINIVASA AYYANGAR:—“I move, Sir, that in clause 13, Schedule I, article I in column I omit the words ‘and in article 2 of this schedule’. That fixes the *ad valorem* fees in certain classes of suits; in consequence of the amendment made in the House in article 2 of this schedule, this amendment which is consequential is necessary.”

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Mr. C. P. RAMASWAMI AYYAR :—"I second the motion."

The motion was put to the House and carried.

The hon. Mr. K. SRINIVASA AYYANGAR :—"I move the next motion, Sir: That in article 6-A for the words in the first column 'copy of judgment under the Code of Criminal Procedure' substitute the words 'copy or translation of a judgment or order of a criminal court'."

"A new article was added as 6-A in consequence of the amendment that was carried yesterday on the motion of Mr. Sivasankaram Pillai. A consequential change was necessary and that is carried out by the substitution of the words 'copy or translation of a judgment or order of a criminal court' which makes it clear what the term 'judgment' under the Code means. I have changed the words to be in conformity with the provisions of clause 6."

Mr. C. P. RAMASWAMI AYYAR (*Advocate-General*) :—"I second it."

The motion was put to the House and carried.

The hon. Mr. K. SRINIVASA AYYANGAR :—"Now, Sir, in consequence of the change in article 2 we have to change the heading in the schedule. Hon. Members will see at page 8 of Schedule I all the *ad valorem* fees leviable on suits in courts of small causes outside the Presidency town. What I am now proposing is the leaving out of the name 'courts' and substituting of the class of suits intended, so that it may be clear to what particular cases the schedule would apply. To that end, I move—

"In page 8, table of rates, omit all the words and figures after 'leviable' and substitute '(a) on plaints, etc., mentioned in article 1 of this schedule' and insert the following table of rates :—

[Here read table of rates on pages 9 to 12 of the Bill as amended by the Select Committee.]

"Plaints, etc., mentioned in article 1 includes plaints, written statements, pleadings including a set-off and counter-claim, and this schedule is only a computation of the fees payable in respect of suits to which article 1 applies."

Mr. C. P. RAMASWAMI AYYAR :—"I second the motion."

The motion was put to the House and carried.

The hon. Mr. K. SRINIVASA AYYANGAR :—"I now propose a similar amendment for the purpose of carrying into effect the computation of rates with regard to suits mentioned in article 2. The amendment is: to omit all the words and figures after '*ad valorem* fees' in page 9, and substitute 'leviable (b) on plaints, etc., mentioned in article 2 of this schedule' and insert the following table of rates :—

[Here read table of rates on page 8 of the Bill as amended by the Select Committee.]

Mr. C. P. RAMASWAMI AYYAR :—"I second the motion."

The motion was put to the House and carried.

The hon. Mr. K. SRINIVASA AYYANGAR :—"I now move, Sir, that this Bill be passed into law."

Mr. C. P. RAMASWAMI AYYAR :—"I second the motion."

The question that the Bill to amend the Court Fees Act be passed into law was put and carried.

The Bill as amended was passed into law.

[15th March 1922]

VI

A BILL TO AMEND THE MADRAS PROPRIETARY ESTATES' VILLAGE SERVICE ACT, 1894, AND THE HEREDITARY VILLAGE OFFICES ACT, 1895.

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—
 “Sir, I beg to present the report of the Select Committee on the Bill to amend the Madras Proprietary Estates' Village Service Act, 1894, and the Hereditary Village Offices Act, 1895, and to move that the Bill be taken into consideration. In passing, I will merely add that the Committee have in the course of their careful consideration of the Bill introduced two very necessary safeguards: firstly, in the nature of an additional clause whereby the Act will be in force for only a limited period specified therein, and secondly, by introducing an additional safeguard that the provisions of this Bill when it becomes Law shall not be introduced into any particular area without a notification by the Local Government published in the *Fort St. George Gazette* and the local official gazette of the district.”

The hon. Mr. K. SRINIVASA AYYANGAR :—“I second the motion.”

The motion was then put to the House and carried.

The hon. the PRESIDENT :—“I shall now, according to the usual practice, put this Bill clause by clause to the House.”

CLAUSE 1.

Clause 1 was then put to the House, passed and added to the Bill.

CLAUSE 2.

Amendment 1.

Mr. T. ARUMAINATHA PILLAI :—“I beg to move, Sir, that in clause 2 for ‘31st December 1923’ substitute ‘30th June 1923’.”

“I believe, Sir, that when this Council passed the Revenue Recovery Amendment Act, we limited the period of its operation to the 30th June 1923. The same reasons which induced the Government to introduce the Bill and also the Council to give its acceptance to the same are also the reasons which induced the Government to introduce this Bill probably for practically the same reasons. Also it was on account of the same reasons that this Bill was referred to the Select Committee and I do not believe, Sir, I need say anything further. According to that Bill it was provided that it should cease to be in operation on that date. And as the present Bill also is intended to prevent the troubles arising in connexion with the same movement, I believe, it is far better that we give a sort of uniformity to both these Acts. I beg to move the amendment standing against my name.”

Mr. A. RANGANATHA MUDALIYAR :—“Sir, I have given notice of a similar resolution and I beg to second this resolution. I do not think that here is any particular object in extending the duration of the Act to 31st December 1923. The Government expected some trouble with regard to the collection of revenue and that is the reason, I think, for the Bill before us. The general revenue collections are generally over by the 30th June and there is no reason to keep this Act in operation for another six months. The Government loses nothing by accepting this amendment.”

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Clause 2—*cont.*

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—

4-15 p.m. “Sir, I take it that this amendment is more or less for the sake of an amendment. There is very little difference practically between 30th June 1923 and 31st December 1923 from the administrative standpoint. The 30th of June was specifically fixed in the Revenue Recovery Act because that denoted the termination of the fasli before which the collections relating to that fasli had to be completed. In the case of the village officials, they are not intended merely for the collection of revenue but in respect of thousand and one other duties which devolve upon them. This question was seriously considered by the Select Committee and it came to the conclusion that the date to be fixed in this Bill might very well terminate at the end of a calendar year and that is why the 31st December 1923 was selected, not because we attached any significance to the 31st December 1923 in itself, nor were we guided by the advice of any astrologer.”

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“The hon. the Revenue Member has not shown that there is any objection to accept the 30th June 1923. The only point that he has made out is that he wants to keep the village officers under trim till the end of the calendar year. But the Council will remember the circumstances under which these two Bills were introduced. When these Bills were introduced, the hon. the Revenue Member was good enough to tell us that as a result of the investigations which the Government made, they brought in these two Bills with a particular object in view. The question of the village officers came prominently into consideration because of the fact that they were largely responsible for the collection of revenue in various tracts affected by non-co-operation. When we realize this question, can any reason be shown for introducing one period in the case of the Revenue Recovery Act and a different period altogether in the case of the present Bill under consideration? He has not been in a position to suggest any tangible reason for keeping on this Act till the 31st December. It is as it were by a rule of thumb that he wants to keep these officers under trim till the end of the calendar year. It might as well be made uniform by having the same period in this Bill as in the case of the Revenue Recovery Bill. I therefore support this motion.”

Mr. M. SURYANARAYANA PANTULU :—“Sir, the hon. the Revenue Member has just now told us that the reason why the term has been extended to 31st December 1923 was that the village officers have something to do not only with the collection work but there were a thousand and one things that they were required to do and that they should be kept under thumb. May I ask the hon. the Revenue Member whether the thousand and one things which are required of them will not be required after the 31st December 1923? May I ask the hon. the Revenue Member whether subsequent to 31st December 1923 these village officers need not be kept under thumb? My hon. friend the Revenue Member has told us that he has put the term to the end of the calendar year. Why not put it to the end of the official year? There is as much reason for the official year as there is for the calendar year. It stands to reason therefore that this Act should come to an end simultaneously with the other Act, namely, the Revenue Recovery Amendment Act which we passed the other day. It seems to me therefore that it

[Mr. M. Suryanarayana Pantulu]

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Clause 2—*cont.*

is very desirable that this Act should come to a close at the end of the fasli year, 30th June 1923. I therefore support the amendment."

The hon. the PRESIDENT :—" Does the hon. Member Mr. Arumainatha Pillai wish to reply ?"

Mr. T. ARUMAINATHA PILLAI :—" There is no necessity to reply especially after what the hon. the Revenue Member has said that there was no magic in putting either the 30th June 1923 or the 31st December 1923."

The amendment was put and lost.

Mr. T. Arumainatha Pillai demanded a poll which was taken with the following result :—

Ayes.

- | | |
|--|---|
| 1. Mr. K. Adinarayana Reddi. | 11. Diwan Bahadur M. Ramachandra Rao Pantulu. |
| 2. Rao Bahadur K. Gopalakrishnayya. | 12. Rao Bahadur A. S. Krishna Rao Pantulu. |
| 3. Mr. W. Vijayaraghava Mudaliyar. | 13. Mr. P. Siva Rao. |
| 4. Mr. J. Kuppuswami. | 14. Mr. C. V. Venkataramana Ayyangar. |
| 5. Mr. A. T. Muttukumaraswami Chettiyar. | 15. Rao Bahadur C. V. S. Narasimha Raju. |
| 6. Mr. M. Narayanaswami Reddi. | 16. Mr. A. Ranganatha Mudaliyar. |
| 7. Mr. K. Sitarama Reddiyar. | 17. Mr. M. R. Seturatnam Ayyar. |
| 8. Mr. N. A. V. Somasundaram Pillai. | 18. Mr. M. Suryanarayana Pantulu. |
| 9. Dr. P. Subbarayan. | 19. Mr. T. Arumainatha Pillai. |
| 10. Mr. P. Venkatasubba Rao. | |

Noes.

- | | |
|--|--|
| 1. The hon. Sir Lionel Davidson. | 13. Mr. R. Littlehales. |
| 2. " Sir Charles Todhunter. | 14. Mr. A. Ramaswami Mudaliyar. |
| 3. " Khan Bahadur Muhammad Habib-ul-lah Sahib Bahadur. | 15. Mr. R. Appaswami Nayudu. |
| 4. " Mr. K. Srinivasa Ayyangar. | 16. Mr. S. T. Shanmukham Pillai. |
| 5. " Mr. P. Ramarayaningar. | 17. Mr. S. Somasundaram Pillai. |
| 6. " Rao Bahadur A. P. Patro. | 18. Diwan Bahadur R. Venkataratnam Nayudu. |
| 7. Mr. C. P. Ramaswami Ayyar. | 19. Diwan Bahadur M. Krishnan Nayar. |
| 8. Mr. T. E. Moir. | 20. Saiyid Diwan Abdul-Razzaq Sahib Bahadur. |
| 9. Mr. M. E. Couchman. | 21. Sir James Simpson. |
| 10. Mr. N. Macmichael. | 22. Mr. A. M. MacDougall. |
| 11. Mr. F. J. Richards. | |
| 12. Mr. C. W. E. Cotton. | |

The amendment was lost, 19 voting for and 22 against it.

Amendment 1-B.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" Sir, I beg to propose—

1-B. *Substitute the word 'continue' for the word 'remain'.*

" It is a mere formal amendment."

Rao Bahadur C. V. S. NARASIMHA RAJU :—" I second it."

The hon. Khan Bahadur MUMAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I accept the change."

The motion was put and carried.

Amendments 2 to 5.

The following amendments to clause 2 fell through in consequence of the result of amendment 1 :—

Mr. B. MUNISWAMI NAYUDU :—

2. *Omit '31st December 1923' and substitute '30th June 1923'.*

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Clause 2—*cont.*

Dr. P. SUBBARAYAN :—

3. *For the words '31st December 1923' substitute '30th June 1923.'*

Mr. A. RANGANATHA MUDALIYAR :—

4. *Substitute '30th June' for '31st December.'*

Rao Bahadur A. S. KRISHNA RAO PANTULU :—

5. *Substitute for '31st December 1923' the words '30th June 1923.'*

Amendment 5-A.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"Sir, I beg to propose—

5-A. *Substitute the following for the second paragraph :—*

'This Act extends to the whole of the Presidency of Madras and it shall come into force in any local area as the Governor in Council may direct by a notification in the Fort St. George Gazette and the Official Gazette of the district.'

"There is no difference in substance between this amendment and what is contained in the Bill. This amendment is intended to bring the Bill into conformity with the existing phraseology in the Revenue Recovery Act."

Rao Bahadur C. V. S. NARASIMHA RAJU :—"I second it."

The hon. Sir LIONEL DAVIDSON :—"The ordinary reader of that clause will think that the word 'any' in 'in any local area as the Governor in Council may direct' refers to something going before it. I am quite aware that it is possible to put some other construction on it. I think it would be wise to say 'in such local area as the Governor in Council may direct.' As it now stands, it will clearly be read as 'in any local area as the Governor in Council may direct' and will be subject to criticism on the score of grammar."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I accept the suggestion."

The hon. the PRESIDENT :—"Let somebody move an amendment to that effect."

Diwan Bahadur M. KRISHNAN NAYAR :—"I propose that for the word 'any' in the second line of that clause the word 'such' should be substituted."

Mr. M. SURYANARAYANA PANTULU :—"I second it."

The hon. the PRESIDENT :—"Does the Government accept the amendment?"

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"Yes."

The amendment was put and carried.

The hon. the PRESIDENT :—"The motion now before the House is—

5-A. *Substitute the following for the second paragraph :—*

'This Act extends to the whole of the Presidency of Madras and it shall come into force in such local area as the Governor in Council may direct by a notification in the Fort St. George Gazette.'

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Clause 2—cont.

Rao Bahadur A. S. KRISHNA RAO PANTULU :—" I would point out that unless there are reasons for showing that there is any defect in the present clause of the Bill I am not satisfied about the necessity for the amendment that has been proposed. The amendment as passed by the Select Committee is to the effect that 'This Act shall remain in force till 31st December 1923.' This Act shall be applicable to such part of the Presidency of Fort St. George as the Governor in Council may, from time to time, direct by notification in the *Fort St. George Gazette* and official gazette of the district. The first portion of it states that 'This Act shall remain in force till 31st December 1923.' It only shows that the Select Committee after careful consideration arrived at the conclusion that this Bill should be limited in operation both as to the time and also as to the area. If I correctly understand the significance of this clause, it means that the Select Committee do not wish that this Bill should be extended to the whole of this Presidency but that it should be limited in operation to a particular area. The Select Committee, I believe, even without a dissentient voice ratified the suggestion that this should be temporarily in force up to December 1923 and also that it should be in operation in a particular area. If the hon. Mr. Ramachandra Rao's amendment is to be accepted, it means that we are going much further than the recommendations of the Select Committee and that its operation would be extended to the whole Presidency though it will come into effect in certain areas by the issue of a notification in the *Fort St. George Gazette* and in the local official gazette. I believe that there is a radical difference between the two positions. The amendment of my hon. friend is likely to place matters in a more difficult position than at present. Simply because these words occur in some other enactments we need not copy them. We must have substantial reasons for changing the view of the Select Committee before taking quite a different course altogether. I can understand the attitude of the hon. the Revenue Member in accepting this motion because, so far as this amendment is concerned, it extends the operation of this Act in specified areas as was proposed to the whole Presidency, though no doubt it will come into operation in certain areas on the issue of a notification. I am sorry I have to oppose this amendment."

Mr. P. SIVA RAO :—" Sir, I have the misfortune to oppose the amendment now before the House. I do so for the main reason
4-30 p.m. that it is unnecessary. There is the preamble of the Act and then there is a section defining the local application of it and I think, Sir, it may result in a contradiction in terms to say that this Act applies to the whole of the Presidency and shall come into effect only in such portions of the Presidency as the Governor in Council may notify. What is the object of saying that this Act shall apply to the whole of the Presidency when we want to qualify that provision in the very clause by saying that it shall come into force only when the Governor in Council chooses to notify its application to any particular area? The wording adopted by the Select Committee is very happy and does not require any change. The Committee prescribes the local extent of application of the Act by saying that it shall not be applicable to the whole of the Presidency but only to such portions as the Governor in Council may notify. I think it is a very necessary safeguard made by the

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[Mr. P. Siva Rao]

Clause 2—*cont.*

members of the Select Committee for which I take this opportunity to thank them. I thank the hon. Member in charge of the Bill also for introducing this change. It is a very effective safeguard and much of the rigour of the Act is relaxed thereby. After the introduction of this clause, if any attempt is made to belittle the effect of this very useful amendment, we must in all conscience oppose it. Let the provision made be there as it is. Moreover the hon. Mover has not given any reason whatever why we should adopt a different wording from the one which was deliberately adopted by the members of the Select Committee."

Mr. O. TANIKACHALA CHETTIYAR :—"Sir, I beg to associate myself with what my friends Mr. Krishna Rao and Mr. Siva Rao have said with reference to the amendment. There is no reason shown why this amendment should be introduced. The Select Committee has gone fully into the matter and they have decided to limit it only to such places as may be specified by notification. My hon. friend Mr. Ramachandra Rao who has hitherto been always for curbing the pace at which the Government are going has, I am afraid, out-Heroded Herod in asking for extending the operation of the Bill. Sir, his policy as the leader of the opposition has been always to put a curb on the executive Government and I do not see any reason why he should not have placed this suggestion before the Select Committee of which he was a member. With these words, I oppose the amendment."

Diwan Bahadur M. KRISHNAN NAYAR :—"Sir, I rise to oppose the amendment purely on grammatical considerations, because the first part directly contradicts the second if the amendment be accepted. The first part says that the Act extends to the whole of the Presidency of Madras. The second part says that the Act shall apply to other parts as well on the happening of a certain event, viz., the publication of a Government notification. The first part directly contradicts the second and apart from the other reasons given by Mr. Tanikachalam Chettiyar and other speakers on the grammatical construction of it, it seems to me that it is wholly inconsistent."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I am sorry, Sir, that my hon. friends have entirely misunderstood the object of the amendment. My friend, Mr. Tanikachala Chettiyar, said that it has been my policy always to put the curb on the executive Government. I am entirely at one with him that that should be the policy not only of myself but also of himself. Having said that I should like to explain my position. The phraseology which I introduced is to be found in almost every Madras enactment with reference to its extent of application. I would refer my hon. friends to the Madras Abkari Act of 1886, and the Food and Drugs Act passed in 1918. The operation of this Act is also capable of being expanded to the whole of the Presidency but the extension has to be done by a notification and that is exactly the proposition that has been put forward in the second part of section 2. Therefore the apprehensions of inconsistency expressed by Mr. Krishnan Nayar are absolutely unfounded because if this is inconsistent, the same may be said of every other enactment in the Madras Code. I am perfectly certain that my hon. friends will notice the same phraseology in the language of every Madras enactment so that, in substance, there is absolutely nothing new. This was intended merely to secure uniformity in the drafting of enactments. I do not

[Mr. M. Ramachandra Rao Pantulu] [15th March 1922]

Clause 2—*cont.*

intend to the slightest extent to extend the scope of the Bill but my attempt was merely to bring it in conformity with the existing language. But my hon. friends are all frightened that I intend to extend the scope unnecessarily and I therefore beg leave to withdraw my amendment so as not to frighten my friends into a belief of that sort."

The motion was then by leave withdrawn.

Diwan Bahadur M. KRISHNAN NAYAR :—" Before you put the clause to the vote, Sir, with your permission and with the consent of the Council I wish to move a verbal amendment to clause 2."

Leave to move was granted and Mr. Krishnan Nayar continued.

"The verbal amendment is to substitute 'Madras' for 'Fort St. George.' It is in accordance with so many other amendments which the hon. the Revenue Member himself moved in regard to the Stamp Act Amending Bill."

Mr. S. MUTTUMANICKA ACHARI :—" I second it, Sir."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I have no objection to accept the motion."

The motion "that in the second paragraph for the words the 'Presidency of Fort St. George' the words 'Presidency of Madras' be substituted" was then put and carried.

Clause 2 of the Bill as amended was then put and carried. The clause was added to the Bill.

CLAUSE 3.

Amendment 5-B.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" I beg to move—

5-B. *Put a comma after the word 'Act' in line 3 and omit 'II of' in line 4.*

"The reason for my motion is this. The citation of this Act is 'The Madras Proprietary Estates' Village Services Act, 1894.' That is the short title given in the enactment. The object of the proposal is therefore not to introduce any new matter but to adopt the citation of the enactment as in the original Act."

Mr. A. RANGANATHA MUDALIYAR :—" I second it."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I have no objection to it."

The motion was put and adopted.

Amendment 5-C.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—" My next amendment, Sir, which I beg to move is—

5-C. *Add the word 'Madras' before 'Hereditary' in line 4.*

"The reason for the motion is simply to adopt the language of the citation of the Act as in the original enactment."

Mr. S. MUTTUMANICKA ACHARI :—" I second it, Sir."

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—" I accept the amendment, Sir."

The motion was put and carried.

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Clause 3—*cont.*

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—“ Sir, I move—
Put a comma after the word ‘ Act ’ in line 5 and omit ‘ III of ’ in the same line.

“ This amendment is also intended to bring the language in a line with the usual phraseology of the Act.”

Rao Bahadur A. S. KRISHNA RAO PANTULU :—“ I second the motion.”

Mr. C. P. RAMASWAMI AYYAR :—“ Mr. President, Sir, I have no objection to this particular amendment, but it is a well-known doctrine that punctuation is not part of the Act and courts are not bound by any punctuation that is adopted by the framers of the Act and it seems to me to be embarrassing that this House should pass any resolution relating to punctuation. Whatever hon. Members may ask us to do in regard to punctuation, it can never be regarded as part of the Bill.”

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—“ I am really surprised at the statement made by the hon. the Advocate-General. If by means of the punctuation proposed to be inserted the Act reads better, is it even then the contention of the hon. the Advocate-General that motions to that effect should not be made?”

Mr. C. P. RAMASWAMI AYYAR :—“ My answer is this, Sir. Whatever punctuation is adopted by the printer or by this Council, if the reading of the Act gives rise to a different interpretation, the punctuation will be disregarded by the courts in giving effect to the Act. That is a well-known rule of interpretation. Having regard to that rule, it is well that legislative assemblies do not spend their time in finding out what is the proper punctuation to be adopted.”

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—“ I am satisfied with my hon. friend's advice, but I still believe that when an Act is before us, it is our duty to scrutinise it and suggest even punctuation marks wherever necessary.”

The motion was put and carried.

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—“ Next I beg to move—

Substitute the words ‘ The Madras Hereditary Village Offices Act ’ for the words ‘ Act III of ’ in lines 8 and 9.

“ This is also an amendment similar to the previous ones and I need not at all say anything in support of it.”

Rao Bahadur C. V. S. NARASIMHA RAJU .—“ I second it.”

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB|Bahadur :—“ I have no objection to it, Sir.”

The motion was put and carried.

Amendment 6.

4-45 p.m. Mr. O. RAMALINGA REDDI :—“ Mr President, I beg to move the amendment standing in my name which runs thus :—

6. *Omit all the words after ‘ resignation ’ occurring in lines 10 and 11 of the clause and insert ‘ in consequence of any political movement directed against the authority of Government ’.*

“ The Select Committee's report admits that it is desirable to define the nature of the offence. It proceeds to argue however that it is not possible to

[Mr. C. Ramalinga Reddi]

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Clause 3—*cont.*

lay down such a definition. I suggested one or two amendments, but the hon. the Advocate-General pointed out that they would only lead to a great deal of litigation and that further they did not really help to define the offence in clear and unmistakable terms. I first suggested 'for political reasons, or in order to embarrass the Government'. This was because the hon. the Revenue Member when he introduced the Bill definitely told us that this was weapon No. 2 in the series of measures that were forged for combating the non-co-operation movement. I thought that if that was the object, it would not be wise or proper to leave that object out of the Bill altogether. I was given to understand that my original suggestion would not conduce to clearness because a man might say that his wife having threatened to commit suicide by the command of Mahatma Gandhi he was obliged to resign. In such case he would resign not to embarrass the Government but to escape domestic embarrassment himself. As regards political reasons, that appeared to be too wide an expression. Some objective standard which would not imply such subjective elements was desirable. I therefore gave a notice of the amendment which now stands in my name. If this amendment is carried, we will not be going into the motives and reasons for which the village officer resigns his post. We say that if he does it in consequence of any political movement, however it may operate in respect of him, directed against the authority of the Government, he should suffer these special penalties. Now, in the case of Kistna and Guntur districts, the village officers resigned as a result of the intimidation by non-co-operators, and their case also will be covered by the phraseology now suggested. If they resign because of the pressure exerted by wife or son or by students, or by volunteers, if for any reason they leave their posts in consequence of any political movement of the type of non-co-operation, they would come within the penalties prescribed in this Bill. I therefore think that there ought not to be much objection to the acceptance of this amendment. With these few words I commend this amendment to the favourable consideration of the House."

Rao Bahadur K. GOPALAKRISHNAYYA :—" Mr. President, I rise to second this amendment. Hon. Members will notice that I have given notice of a similar amendment to the same effect tabled on the agenda as No. 12. This amendment, Sir, deals with section 16 of the Madras Proprietary Estates' Village Service Act, 1894, and section 7 of the Hereditary Village Offices Act, 1895, where the Collectors have ample powers to suspend, remove or dismiss village officers for certain kinds of misconduct. The amendment as is approved by the select committee appears to throw the burden, quite contrary to the fundamental principles of law, on the village officers to show cause why they should not be dismissed. The present Bill assumes more or less as a rule that the village officer for certain reasons should be dismissed, but the exception will have to be made out by the village officer himself if the present amendment as is suggested in the amending Bill is to be accepted. This is a reverse process, exception becoming a rule and the rule an exception. Then again, Sir, if this clause as it stands at present is to be carried, it will work a great deal of hardship as pointed out by the hon. the Mover. Probably the hon. the Revenue Member might come forward and say that this form of dismissal has a remedy by way of appeal to the Board of Revenue. But, Sir, we know what the fate of such appeals will be. It is the word of

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[Mr. K. Gopalakrishnayya]

Clause 3—*cont.*

the real man on the spot that would count especially with this scare of non-co-operation being at the bottom of the so-called misconduct of the village officer. Then again any particular subordinate of the Collector might make a report against any village officer making this as an ostensible reason so as to make out a case against him with a view to effect his dismissal though the real reason may be different. Of course, generally, the Collectors will be guided by the reports of their subordinates. In cases of this sort, generally, no broadmindedness or foresight will be exercised by the executive officers. This reminds me, Sir, of an incident which occurred in the mediæval days of the history of the Andhras when one Mr. Goparaju Ramanna Pantulu, an advisor under the Nawabs, out of sympathy for his own castemen who were Niyogis, waited for an opportunity of drawing powers from the Nawab, dismissed in the course of three days six thousand village officers who were Viswa Brahmans and appointed in their place his own castemen who at present go by the name of 'Arvela Niyogi'. The real cause for this wholesale dismissal was a religious controversy though the ostensible cause was some alleged misconduct. That probably, Sir, might recur if we really adopt the clause as it now stands. The misconduct might be with regard to several things. It may be that the misconduct of the village munsif is for lack of duty in making proper supplies for which no payment is ordinarily made by lower subordinates, of course barring honourable exceptions. Again it may be for his failure to bring a cow to the bungalow of the officer, for being milked under the personal supervision of a cook so that the milk might not be diluted with water. He has to do such things just to please the fancy of the officers. These are all experiences of mine in the villages.'

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :— "I wonder, Sir, if all this vituperation against the officials is at all relevant to the issue."

The hon. the PRESIDENT :—"I should probably have called the member to order, but so far as I am able to gather, the idea is that the officer to whom good milk is not supplied may use this particular clause against the delinquent village officer. (Loud laughter.) I have nothing to do with the reasonableness of the argument, but I have only to do with its relevancy. I gather from what the hon. Member has said that the district officers may use this weapon oppressively against village officers who do not make adequate supplies. Is not that the hon. Member's point?"

Rao Bahadur K. GOPALAKRISHNAYYA :—"Yes, Sir. It is exactly so."

The hon. the PRESIDENT :—"Then I suppose it is relevant." (Laughter.)

Rao Bahadur K. GOPALAKRISHNAYYA :—"I thank you, Sir, for having come to my relief. What I meant to say was that any cause might be taken to be a political cause, because the Collectors or the revenue heads of the districts will among their multifarious other duties not be in a position to gather things personally. They will have to depend upon the reports of their lower subordinates and the lower subordinates, if they are displeased with the village officials for any such reasons, will make political capital out of such an alleged misconduct on the part of the village officer and say that that man has joined the non-co-operation movement and therefore he is liable to dismissal. The Collector believing the story of his lower subordinate might in his own discretion or indiscretion dismiss the officer, and even

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Clause—3 *cont.*

if he prefers an appeal to the Board of Revenue, the Collector's word will naturally weigh more with the Board than that of the village officer. Therefore it is that I say that all this sort of conduct or misconduct on the part of the village officer will be mistaken for political misconduct.

"Then again we find, Sir, from the report of the Select Committee that the members of that committee did not come out of the meeting with any case of mind. They themselves suggested, Sir, that they were also afraid of giving very wide powers to the District Collector. We find in paragraph 3 of the Select Committee's report: 'some of us are of opinion that clause 3 of the Bill gives very wide powers to the District Collector. Again from the same paragraph it is clear that they themselves wanted to suggest that the words 'for political reasons or in order to cause embarrassment to Government' should be substituted in place of the words 'except for a cause which the District Collector in his discretion accepts as satisfactory.' Such sorts of doubts were prevalent in their minds and as such it is but just and proper that we should amend that clause as now suggested by my hon. friend Mr. Ramalinga Reddi. Moreover, the only objection that is urged against such an amendment in the Select Committee's report is that the inclusion of these words will give rise to suits or proceedings by dismissed persons. Though there is no provision for suits in the present Act, they are afraid of suits, but according to the amended Court Fees Act and the Stamp Act, probably the Revenue Member will be glad of getting some additional revenue if really there is going to be a number of suits against these orders. Certainly if the man has a right to sue, that right of suit should not be removed by this Bill, and if he has a right of appeal, certainly he will have to make out his case. These fears were entertained by the Select Committee and their minds were not free from these doubts, and seeing that such doubts as were expressed in the Select Committee are covered by the amendment which is now put forward, I hope the amendment will be carried by the House. For these reasons, I second this amendment most heartily."

Rao Bahadur A. S. KRISHNA RAO PANTULU:—"Sir, it is hardly necessary for me to detain the Council for any length of time in giving elaborate reasons in respect of this amendment, because the Select Committee after considering this question at considerable length stated in their report that they were inclined to limit the nature of offences for which the officers were to be punished though they found some difficulties in giving effect to it in the Bill itself. When the principle is accepted we should not be handicapped in our efforts for securing the appropriate amendment in the Bill itself. The hon. the Revenue Member has been pleased to tell us that in view of the desirability of confining the Bill to the actual necessities of the case, the Bill has been made one of a temporary character and that necessary safeguards have been made in the Bill. But, Sir, it is always difficult for the Collector of a district to come to a safe conclusion as to whether the reason assigned for resignation is or is not satisfactory, because it will depend upon the various reports and representations that he may be getting from time to time. We cannot be sure that an officer who is supervising over the whole district and who will have to depend upon the reports of the various officers including the police and the salt and abkari—seeing that picketting and other similar things are also concerned here—will find it possible to balance the reasons for and against a particular officer and come to a safe and satisfactory conclusion."

5 p.m.

15th March 1922] [Mr. A. S. Krishna Rao Pantulu]

Clause 3—*cont.*

“When once it is realized that there are several difficulties in the way of the Collectors coming to right conclusions let us safely limit the operation of the section and define the offences as contemplated in the present amendment. What is the necessity for going further than the object the Government had while introducing this Bill? Therefore, I think that the hon. the Revenue Member realizing as he does the limitations under which we are working and the fact that this question was fairly discussed in the Select Committee will do well to accept the views of this House and give effect to its intentions.”

MR. S. T. SHANMUKHAM PILLAI :—“I think the amendment is not necessary. The clause as it stands covers all cases including political causes. Whatever may be the cause, only if the Collector is satisfied with the reasons he dismisses the officer. I think the clause as it stands is satisfactory. Unless he is satisfied after inquiry, the Collector will not dismiss an officer.”

MR. P. SIVA RAO :—“I rise to support this amendment. I have given notice of a similar amendment and I may be permitted to have my own say even with regard to this amendment. With regard to this motion I may be permitted to draw the attention of this House to the statement of objects and reasons. In the statement of objects and reasons it is stated: ‘whereas in certain parts of the country an organized attempt is being made by certain village officers to prevent the collection of Government revenue by declining or refusing to do their duties or by suddenly resigning their office relying on their hereditary right to secure the emoluments to one or other members of the family, it has become necessary for the Government to take such steps as are necessary to prevent such resignations or dereliction of duty.’ Now I would ask in all humility why should the Government resist the attempt made by the hon. Mover to embody these objects and reasons in one of the provisions of the Bill itself?”

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—“I have not yet spoken, Sir. He asks, why should the Government resist.”

MR. P. SIVA RAO :—“There is absolutely no reason why he should resist. I do not assume for a moment why the hon. Member in charge should be so unreasonable as to press for the rejection of this amendment. I was saying from the statement of objects and reasons that the object is only to combat a certain and specific need to put an end to the evil of non-co-operation which is rife in some parts of the Presidency and the attempt made by the hon. Mover is to embody the object in the Bill itself lest the Collector who may be called upon to decide upon these matters may possibly abuse that power. Now, Sir, the question is very simple. The matter was considered in the Select Committee in paragraph 3 of the report where they deal with this aspect of the matter. So far as I can see, the members were quite alive to the necessity of introducing a provision like that. They were advised, however, that it would be impossible adequately to define political reasons or to give a satisfactory definition of matters which are likely to cause embarrassment to Government. They also say that the inclusion of these words would give rise to suits or proceedings by dismissed persons as to whether the Collector was within the powers vested in him in dismissing the particular person. That is the only reason alleged and I take it that the principle is accepted by most of the members of the Select Committee as to the necessity for such a safeguard

[Mr. P. Siva Rao]

[15th March 1922]

Clause 3—*cont.*

But they feel powerless to define in strict language what that reason should be in any particular case and there is also this fear that they will be making themselves liable for suits. There is absolutely no foundation so far as the fear of suits is concerned. Even in the present Act the District Collector may dismiss any of the servants for some specific cause. No doubt if the Deputy Collector should dismiss there is the right of appeal to the Collector and a second appeal to the Board of Revenue. In any case these cases are not generally taken to the civil courts. Even if there is any such fear we can introduce a provision or clause to the effect that the orders of the Board of Revenue shall be final and that the right of the person who resorts to the civil courts shall be taken away. In any view while accepting the principle of defining the particular cause so far as it lies in our power to define a particular reason and a particular circumstance why should we not do it? I may say without taking any more valuable time of the Council that this is a very drastic provision. It is a punitive provision and a penal provision. Even in cases where the village officer tenders resignation the Collector need not accept it and he may dismiss him, and this will have the effect of depriving his family of the hereditary right. We ought to try to secure the necessary safeguards against possible abuses of power. I do not want to cite any specific instance but it is common foresight and prudence to give a clear indication of the circumstances under which the executive should take such drastic action. I think I have said enough to induce the hon. Member for Revenue to accept this amendment. The simplest question and the simplest issue is this—should we or should we not indicate the circumstances under which the Collector should exercise this drastic power. Though I feel that the village officers should be punished in these special cases I say that there should be sufficient safeguards provided against a possible abuse of such power.”

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—
“Sir, this question which my hon. friend Mr. Ramalinga Reddi has brought before the House to-day was discussed very freely and, may I say, frankly at the Select Committee though I am not quite sure if the phraseology which he has now adopted in his motion was the exact phraseology that he was attempting to introduce into the Bill at the time of the discussion. In any case, I am sure the effect was the same.”

Mr. C. RAMALINGA REDDI :—“May I say that I pressed this exact phraseology at the second meeting?”

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—
“We then had the benefit of the opinion of the Advocate-General who I am sure will enlighten us with his views on this question to-day also and we came to the definite conclusion that the introduction of any such definite clause into the Bill would lead to complications more than what could be anticipated at the present moment, and that any individual who was dismissed under clause 3 could challenge the decision of the Collector on the ground that the particular reason which was mentioned by the Collector for dismissing the man did not come under the purview of a political movement. It was considered that the phrase ‘the political movement’ was so wide that it could be interpreted in a variety of ways.

15th March 1922] [Mr. Muhammad Habib-ul-lah Sahib]

Clause 3—*cont.*

“ Rather than, therefore, complicating matters and opening, as it were,
the door for more and more of litigation to contest the deci-
sions of the Collector or the Board of Revenue as the case
may be and thereby defeating the very object with which this measure is
being introduced before the House and remembering at the same time that
this is a measure which is intended to meet the emergencies of the occasion—
a measure which has a limited scope of life, a measure which will not be
introduced in any particular area unless and until the Government are
absolutely satisfied that there is need for the extension of its provisions to
that particular area—the Select Committee by a majority were of opinion
that the introduction of any such clause would lead to complications beyond
comprehension. They, therefore, preferred to leave the clause as it was
drafted, for the reasons that I have already mentioned as also for the
additional reason that the Collector (whatever dark picture my friend
Mr. Gopalakrishnayya might draw about that officer), as the officer on the spot
and as the agent of the Government and as one who is credited with the
responsibility of the conduct of administration in the district, could be relied
upon not to resort to practices which were in vogue in the mediæval days
when village officials were being dismissed by thousands within the
twinkling of an eye for the sin of belonging or not belonging to a particular
class or community. The officials of the present day certainly possess
greater commonsense, greater sense of responsibility, greater circumspection
and greater judgment than those depicted by Mr. Gopalakrishnayya. It
must be confessed that the Government as well as this House must credit the
Collector with a certain degree of responsibility and must trust him to dis-
charge that responsibility to the best of his light, not being prejudiced one
way or the other according to the thickness or the watery nature of the
milk that is supplied to him. Further, let us also remember that there are
already in the proposed Bill a few safeguards provided. Hon. Members will
see in clause 4 of the Bill that the Collector cannot pass any orders under
clause 3 unless and until he has given an opportunity to the offending village
official to show cause why he should not be dismissed. Let us assume that
that notice will be given, that proper opportunity will be afforded to the
village official concerned to show cause why he should not be dismissed for
the reasons that are alleged in the order of the Collector and let us also feel
confident that, if sufficient reasons are shown as to why the village official
concerned should not be punished under the purview of clause 3, the Collector
will not issue an absolutely unjust or perverse order. There is a further
precaution. The order of the Collector is not the last word; it does not
finally seal the fate of the village official against whom it shall have been
passed; it does not connote that the village official against whom an injustice
might have been perpetrated for his failure to supply thick milk will lose the
chance of getting justice vindicated. He has also a right of appeal to the
Board of Revenue. A period of one month is allowed to this aggrieved
party to lay his grievance before the Board of Revenue, to satisfy that
authority which comprises a collective body of able, experienced, responsible
officials—responsible for the conduct of the revenue administration of this
province—that an order which was passed by the Collector errs against the
spirit of the law. When such serious consequences are involved in an order

[Mr. Muhammad Habib-ul-lah Sahib] [15th March 1922]

Clause 3—*cont.*

of dismissal under these provisions, is it to be expected that the Collector and the Board of Revenue will discharge their duties, and their responsibilities, in a manner so as to work this Act, if it should be extended to any particular area, with anything like perverse judgment? May I not ask the House, on behalf of the Collector and the Board of Revenue, to believe that the Collector and the Board of Revenue could very well be trusted to do their duties honestly, with discretion and with judgment?

"Now, Sir, Mr. Shanmukham Pillai, whose knowledge of revenue matters often comes to my help whenever I am placed in a dilemma as regards meticulous matters of revenue policy, has put it very well when he said that clause 3 as it stands contains sufficient safeguards. Well, I fully echo the expression of view given by him, for, I think if the clause is read as it is, it will be seen that it is not after all such a mediæval piece of legislation as to make it possible for any Collector, deputy collector, or tahsildar, dissatisfied with the nature of the cow that is supplied to him, to regard it as sufficient cause for the dismissal of any individual. I take it, Sir, that these sentiments, if given expression to, lack something like grace. They probably might have been absolutely relevant so far as the hon. Member used them for the purpose of showing how the power will be misused; but I say that the misuse of the power should more or less be regarded as an exception in a civilized country like ours than the rule. It is with a view to arm the officials with powers under proper safeguards that the Select Committee has taken the trouble to render the life of this Bill only for a brief period and does not give the Collector or the Board of Revenue the opportunity of dealing with individuals under this enactment as soon as it is passed into law; but it has cast the duty and responsibility of introducing it into any particular area on the shoulders of the Government, so that the Government, before they issue a notification, will have to be perfectly satisfied that the needs of the occasion, the condition of affairs and the feelings in that particular area are such as to necessitate the exercise of this exceptional power that is being asked at the hands of the Council. I must, therefore, very strongly claim, Sir, that, if at all it is going to serve any useful purpose, it is certainly intended to meet the case like the one that it should meet. Any further tinkering with the already wide powers which are given and which are subject to correction from time to time by authorities one over the other and finally subject to the greatest scrutiny by the Government before any portion or any section of this Bill is introduced in any particular area, I submit, Sir, is not proper.

"As regards the technical aspect of the matter, as to how the words 'political movement' if allowed to remain in a Statute Book will operate, as to the difficulties they will present in the interpretation of the clause either by the Collector or by the Board of Revenue or by a court of law, if litigation should go before a court of law, I was thinking of asking the Advocate-General to address the House on that matter. But I am aware, Sir, that it is now half-past five and I see the House getting itself thin and thin at every minute. Therefore I do not wish to ask the Advocate-General to speak now. So I think that, in the interests of all, it is desirable to adjourn further discussion on the subject until 11 a.m. to-morrow."

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[The President]

Clause 3—*cont.*

The hon. the PRESIDENT :—"To-morrow is the only day we have for legislative business before financial work is taken up. If that suits the Government, I have no objection to adjourn the House now. May I take it that this will be over before lunch time to-morrow?"

The hon. Khan Bahadur MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I do not think that it will last longer than that period, Sir."

The hon. the PRESIDENT :—"I am sure hon. Members will share with me the hope that we shall have at least half a day interval between the end of our legislative work and the beginning of our financial work. So we will sit to-morrow at 11 a.m. and try to finish before lunch."

The hon. Sir CHARLES TODHUNTER :—"May I know, Sir, if you adjourn the whole of the agenda till to-morrow or only this portion?"

The hon. the PRESIDENT :—"It is difficult for me to forecast the future. But so far as I am able to see, if Mr. Tanikachalam Chettiyar's resolution is debated upon and we have to come to a decision upon it, I do not think there will be time for that; and I am sure the hon. Member does not wish to have a part debate on a matter like that."

Mr. O. TANIKACHALA CHETTIYAR :—"No part debate, Sir."

The hon. the PRESIDENT :—"Very well. Then the understanding is that this particular Bill will go into the agenda for to-morrow. I also see a motion standing in the name of the hon. the Minister for Local Self-Government. I will have these two subjects put into the agenda for to-morrow. It is understood that these are the only two things that will be dealt with to-morrow."

The Council adjourned at 5-30 p.m. to meet again at 11 a.m. on Thursday the 16th day of March 1922.

L. D. SWAMIKANNU,
Secretary to the Legislative Council.

